

City Clerk File No. Ord. 19-026

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-026

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO BLOCK 15801 OF THE TRANSIT ORIENTED DEVELOPMENT NORTH ZONE IN THE MORRIS CANAL REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on January 9, 2019; and

WHEREAS, the amendments proposed herein to the Morris Canal Redevelopment Plan are limited to the paragraphs outlining the requirements and standards for Block 15801 in the TOD-North Zone; and

WHEREAS, the Planning Board of Jersey City, at its meeting of March 26, 2019, reviewed the enclosed amendments; and

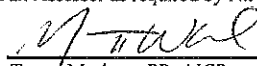
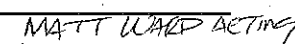
WHEREAS, the Planning Board determined the amendments proposed herein expand affordable housing options in the Plan Area without increasing building heights or bulk; and

WHEREAS, the Planning Board recommended to the Municipal Council that the proposed amendments to the Morris Canal Redevelopment Plan be adopted; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed amendments to the Morris Canal Redevelopment Plan, attached hereto, as recommended by the Jersey City Planning Board on March 26, 2019, be, and hereby is, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Tanya Marione, PP, AICP  **MATT WARD ACTING**
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

APPROVED: 

APPROVED: _____

Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO BLOCK 15801 OF THE TRANSIT ORIENTED DEVELOPMENT NORTH ZONE IN THE MORRIS CANAL REDEVELOPMENT PLAN

Initiator

Department/Division	HEDC	City Planning
Name/Title	Tanya Marione, PP, AICP	Director
	Matt Ward, PP, AICP	Principal Planner <i>MW</i>
Phone/email	201-547-5010	tanyam@jcnj.org / mward@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

Please be advised that on March 26, 2019, at the Regular Meeting of the Planning Board of the City of Jersey City the Board reviewed and commented on the proposed ordinance listed above. The purpose of the amendments to the Ordinance is to amend standards and requirements for Block 15801, Lots 49 & 50. These parcels are in the TOD-North Zone. No additional building height or building bulk is requested. There is, however, additional density requested as part of this amendment. These amendments cap the number of residential units at 169 dwelling units. Additionally, 5% of all units are to be restricted as affordable pursuant to a Redeveloper's Agreement.

At their meeting, the Planning Board discussed, were provided the opportunity to ask questions and reviewed the amendment and its conformance to the Master Plan. Many members of the public came out in support. After public comments, the Board voted unanimously to recommend to the Council that this ordinance amending the Morris Canal Redevelopment Plan be adopted.

Public outreach was conducted in lead up to these amendments being scheduled before the Planning Board.

NW Financial memo is included for the consideration of the Council.

I certify that all the facts presented herein are accurate.

Matt Ward (ACTING)
Signature of Division Director *MATT WARD*

3/29/19
Date

[Signature]
Signature of Department Director

3.29.19
Date

PROPOSED AMENDMENTS TO SECTION XI(A)(4)(c) OF THE MORRIS CANAL REDEVELOPMENT PLAN

AS PRESENTED TO PLANNING BOARD

Text to be added is shown in bold italics and underlined like this

Text to be removed is shown in strikethrough like ~~this~~

XI. Land Use Zones and Specific Land Use Provisions

A. Transit Oriented Development

4. TOD-North

c. Block 15801 - Lots 49 & 50 shall be governed by the following regulations.

i. Permitted Principal Use –

- Multi-family Residential
- Retail sales of goods and services and Restaurants (Category ~~one~~ One & Two) as part of a multi-story building.
- Office and Other Commercial
- Storage Facility
- Independent Living, limited to age restricted and/or special needs restricted housing
- Assisted Living Facilities, whether licensed or unlicensed by the State of New Jersey
- Adult Day Care
- Child Care as part of a multi-story building
- Public Utilities, except that natural gas transmission lines shall be prohibited
- Mixed Uses of the above

ii. Accessory Uses

- Off-street parking, ~~only within the principal structure~~
- Health club, meeting & recreation rooms, and other similar facilities; which may also be open to the community.

iii. Maximum Height - Maximum building height of 175 feet, ~~consisting of not more than a three (3) level ; maximum of two (2) levels of~~ building base (containing off-street parking, lobby area, and retail, commercial, office, storage and/or amenity space; ~~not more than thirteen (13) and maximum of fourteen (14)~~ stories of residential dwelling units. Each residential floor shall have a minimum height of nine (9) feet from floor to ceiling. When an automated mechanical parking system is utilized, the number of parking levels within the base may be increased, provided that the height of the base maintains its ~~three (3)~~ two (2) story appearance.

iv. Maximum Density – ~~290~~ Not to exceed 169 dwelling units per acre ~~for multi-family residential~~

- v. Required Setbacks – None for the three-~~(3)~~ two (2) level base of the building.
- vi. Required Building Stepbacks – The residential portion of the building above the base shall be setback at least ten (10) feet from the western side property line. The residential portion of the building above the base shall be setback at least fifteen (15) feet from the rear property line running along the railroad right-of-way, except that vertical circulation (i.e. fire stairs, elevator cores, etc.) may be built within this stepback area. The front façade may be built to the front property line.
- vii. Additional Design Standards – The design of any building in this area may incorporate more contemporary materials and design features. However, materials used in the base of the building and in that portion of the building in closer proximity to the existing townhouses to the west shall consist primarily of masonry. The design of the building shall incorporate visual cues, material changes and/or stepbacks in order to provide an architectural transition from the existing townhouse structures to the higher rise residential structure permitted in this sub-district.
- viii. Special Parking Requirements for Independent and Assisted Living Facilities – Evidence in the form of testimony and a parking study shall be presented to the Planning Board as part of site plan approval that the parking arrangements proposed will be adequate to service the needs of the intended uses and provide safe and adequate off-street vehicular access for all users of the facility.
- ix. *Affordable Housing – The developer shall dedicate a minimum of at least 5% of all residential units constructed as affordable housing in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., and pursuant to the terms of the Redevelopment Agreement which the developer shall execute with the Jersey City Redevelopment Agency (JCRA). The Redevelopment Agreement shall set forth the controls on affordable housing to be constructed as part of the redevelopment project and shall be utilized to certify affordable renters and/or buyers and recertify renters on an annual basis or according to terms in the Redevelopment Agreement for the entire affordability period. All dedicated units shall be affordable to household at or below 80% of the Area Median Income (AMI) as promulgated by the U.S. Department of Housing and Urban Development for a period of 15 years from the issuance of the certificate of occupancy or for the duration of an approved tax abatement, whichever is less.*

MEMORANDUM

To: Matt Ward, Principal Planner, City of Jersey City Division of City Planning

From: Michael Hanley, Principal, NW Financial Group, LLC
Timothy Eismeier, Managing Director, NW Financial Group, LLC

Date: January 29, 2019

RE: 262 Johnston Avenue – Proposed Plan Amendment

Summary

- The proposed amendment (the “Amendment”) to the Morris Canal Redevelopment Plan (the “Redevelopment Plan”) will increase the maximum density for the proposed project at 262 Johnston Avenue (the “Project”) from 112 units to 169 units
- The Amendment provides that 11 of the 169 units will be designated as affordable units at or below 80% of Area Median Income (“AMI”)
- The incremental value to the developer of the 57 additional units would be approximately \$2,973,958
- The value of the rent loss from the affordable units would be approximately \$2,914,321
- The net incremental value to the developer after taking into account the affordable units would be approximately \$59,637.

Background

The City requested that NW Financial Group, LLC (“NW Financial”), as the City’s financial consultant, review the proposed Amendment to provide the City with a valuation of the Project. NW Financial’s approach to this analysis and the resulting valuation are summarized herein. With respect to this valuation, NW Financial utilized the following information from both the City and the developer:

- Estimated project costs
- Projected rents
- Projected unit mix
- A copy of the proposed Amendment

Density Bonus Valuation (Market Capitalization)

The value of the additional 57 units can be calculated by projecting the Net Operating Income ("NOI") that the additional units will generate, dividing the NOI by an assumed capitalization ratio and subtracting the estimated project costs allocable to such units. With respect to estimating NOI, NW Financial's analysis used projections provided by the developer with respect to revenues but used lower operating expenses based on comparable projects reviewed by NW Financial. Exhibit 1 below provides an estimate of NOI of the Project at 100% market rate units:

Exhibit 1

Projected Net Operating Income

Gross Potential Revenue	\$1,660,252
Less: Vacancy	(83,012)
Annual Revenue	\$1,577,240
Operating Expenses	\$473,172
Net Operating Income	\$1,104,068

As Exhibit 1 indicates, the projected NOI of the additional 57 units at 100% market rate rents would be approximately \$1,104,068. To calculate a market value of the units, this NOI is divided by an assumed capitalization rate (in this case 5.50%, based on current market conditions plus a certain amount of cushion that considers the development risk associated with the Project). Exhibit 2 on the following page provides a summary of the market value of the Project based on the above NOI and assumed capitalization rate.

Exhibit 2

Market Value of Project at 100% Market Rate

Net Operating Income	\$1,104,068
Capitalization Rate	5.50%
Market Value	\$20,073,958

The net value of the Project is calculated by subtracting the estimated project costs to build the Project from the projected market value. In this case, the Developer provided a per unit project cost of \$345,754. This project cost per unit, however, resulted in a negative incremental value after considering the rent

loss from the affordable units. As a result, NW Financial's analysis incorporated a lower per unit project cost of \$300,000. Exhibit 3 below provides a calculation of net value after project costs of the Project:

Exhibit 3

Net Value After Project Costs

Market Value	\$20,073,958
Estimated Project Costs	\$17,100,000
Net Value	\$2,973,958

As provided in Exhibit 3, the net value of the additional units under this methodology would be approximately \$2,973,958.

Value of Rent Loss from On-Site Affordable

As per the proposed Amendment, the Developer has proposed to include 11 affordable units in the Project. The value of this loss in rent (difference between market rate and affordable rents) can be calculated by dividing the annual rent loss (\$160,288) by an assumed capitalization rate of 5.5%. **The resulting market value of the rent loss from the on-site affordable units would be \$2,914,321.**

Conclusion

Exhibit 4 below provides a comparison of value to developer of proposed additional units to the concessions required by the existing Redevelopment Plan and the proposed Amendment.

Exhibit 4

Net Incremental Value to Developer

Net Project Value	\$2,973,958
Less: Affordable Rent Loss	(2,914,321)
Net Incremental Value	\$59,637

As Exhibit 4 indicates the net value under the existing Redevelopment Plan and the proposed plan Amendment is approximately \$59,637. Given the scope of the project, this net incremental value is a reasonable return for the developer.

It is important to remember that different sites and different redevelopment areas will produce significantly different results. Revenue, site conditions, efficiency of site, parking requirements and type of construction all have significant impact on value of land. In addition, larger scale projects will be unlikely to accept below market rates of return as might be seen on smaller projects with less-experienced developers.

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO BLOCK 15801 OF THE TRANSIT
ORIENTED DEVELOPMENT NORTH ZONE IN THE MORRIS CANAL
REDEVELOPMENT PLAN**

The purpose of the amendments to the Ordinance is to amend standards and requirements for Block 15801, Lots 49 & 50. These parcels are in the TOD-North Zone. No additional building height or building bulk is requested. There is, however, additional density requested as part of this amendment. These amendments cap the number of residential units at 169 dwelling units. Additionally, 5% of all units are to be restricted as affordable pursuant to a Redeveloper's Agreement.

City Clerk File No. _____ Ord. 19-027

Agenda No. _____ 3-B _____ 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-027

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE CANAL CROSSING REDEVELOPMENT
PLAN REGARDING THE EXPANSION OF PERMITTED USES AND
AMENDEMENT OF THE GROUND FLOOR FRONTAGE REGULATING PLAN.**

WHEREAS, the Municipal Council of the City of Jersey City adopted the Canal Crossing Redevelopment Plan in 2009, and most recently amended the plan on February 13, 2013; and

WHEREAS, the Planning Board of Jersey City, at its meeting of March 26, 2019, reviewed and recommended adoption of the amendments attached herein; and

WHEREAS, the amendments proposed herein (1) expand the list of permitted principal uses in the Canal Crossing Redevelopment Plan and (2) amend the Ground Floor Frontage Regulating Plan.

WHEREAS, expanded uses will permit light, non-noxious industrial uses within the designated light industrial overlay zone.

WHEREAS, additional expanded uses will allow existing businesses that have become integral to the character of the neighborhood to become conforming uses.


WHEREAS, the proposed amendments to the Ground Floor Frontage Regulating Plan will allow more flexibility in ground floor use of existing and future structures.

WHEREAS, the Planning Board recommended to the Municipal Council that the proposed amendments to the Canal Crossing Redevelopment Plan be adopted; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed amendments to the Canal Crossing Redevelopment Plan, attached hereto, as recommended by the Jersey City Planning Board on March 26, 2019, be, and hereby is, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Tanya Marjone, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE CANAL CROSSING REDEVELOPMENT PLAN REGARDING THE EXPANSION OF PERMITTED USES AND AMENDMENT OF THE GROUND FLOOR FRONTAGE REGULATING PLAN.

Initiator

Department/Division	HEDC	City Planning
Name/Title	Tanya Marione, PP, AICP	Director
	Mallory Clark	Senior Planner
Phone/email	201-547-5010	tanyam@jcnj.org / mclark@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

Please be advised that on March 26, 2019, at the Regular Meeting of the Planning Board of the City of Jersey City the Board reviewed and commented on the proposed ordinance listed above. The purpose of the amendments to the Ordinance is to (1) expand the list of permitted principal uses in the Canal Crossing Redevelopment Plan and (2) amend the Frontage Regulating Plan. The expansion of uses to permit light industrial uses within the designated light industrial overlay zone will allow some existing, non-noxious industrial uses in the Redevelopment Area to become conforming while also providing opportunity for future job/economic growth in the Redevelopment Area and Jersey City in general. The expansion will also allow some existing non-industrial businesses within the Canal Crossing Redevelopment Area to become conforming uses. The proposed amendments to the Ground Floor Frontage Regulating Plan will dial-back the prescriptiveness of this plan as it currently exists to allow more flexibility in how the ground floor is used in existing and future structures. This amendment will allow development to respond to the needs of the market as the neighborhood evolves and will create opportunities for future infill to contribute to the character of the neighborhood in a more organic manner.


At their meeting, the Planning Board discussed, were provided the opportunity to ask questions and reviewed the amendment and its conformance to the Master Plan. Several members of the public came out in support. After public comments, the Board voted unanimously to recommend to the Council that this ordinance amending the Canal Crossing Redevelopment Plan be adopted.

A NW Financial report was deemed unnecessary.

I certify that all the facts presented herein are accurate.


Signature of Division Director


Date


Signature of Department Director


Date

Summary Sheet:

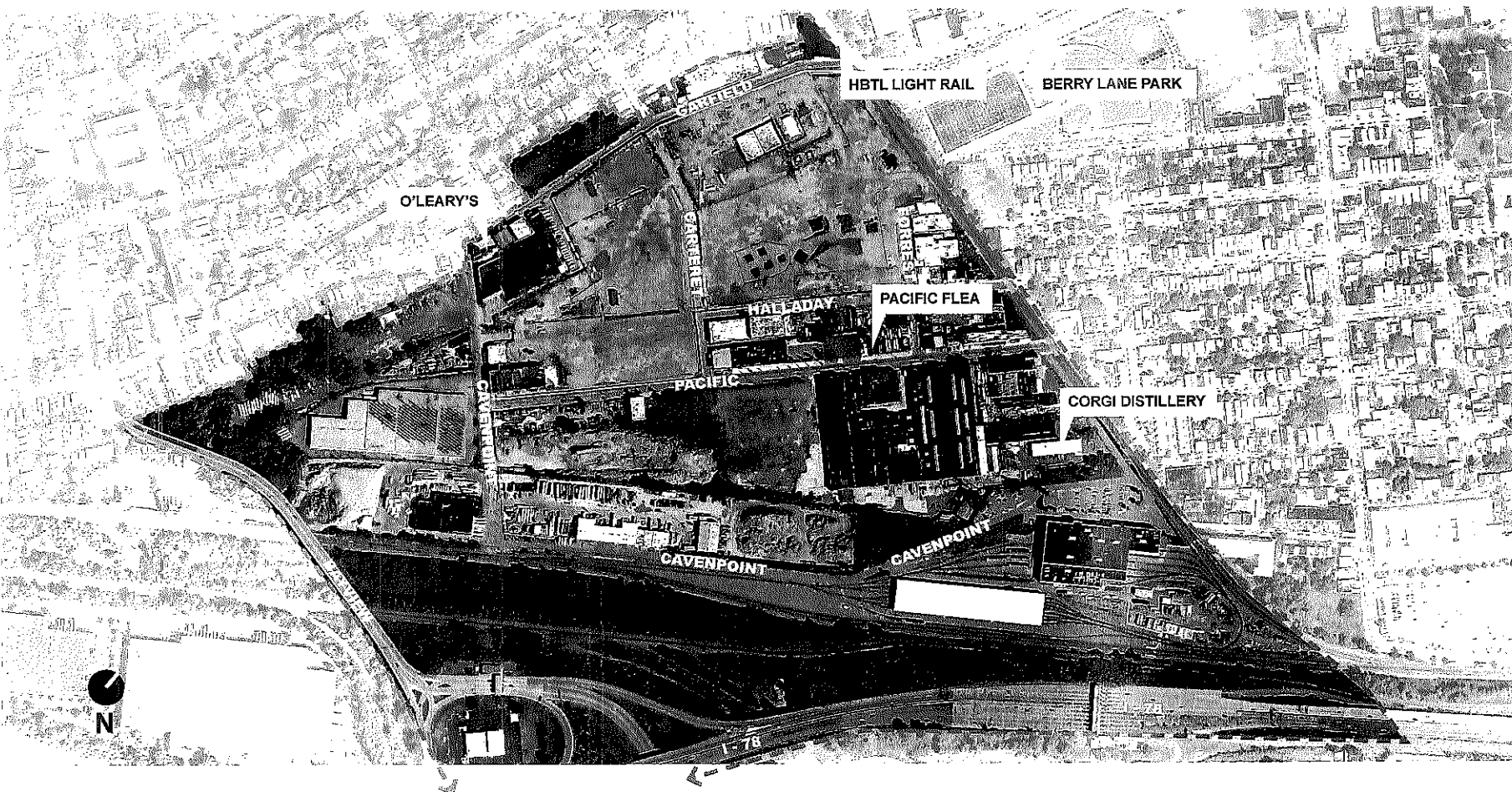
**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE CANAL CROSSING
REDEVELOPMENT PLAN REGARDING THE EXPANSION OF PERMITTED
USES AND AMENDMENT OF THE GROUND FLOOR FRONTAGE
REGULATING PLAN.**

The purpose of the amendments to the Ordinance is to (1) expand the list of permitted principal uses in the Canal Crossing Redevelopment Plan and (2) amend the Frontage Regulating Plan. The expansion of uses will permit light industrial uses within the designated light industrial overlay zone and allow some existing non-industrial businesses within the Canal Crossing Redevelopment Area to become conforming uses. The proposed amendments to the Ground Floor Frontage Regulating Plan will allow more flexibility in terms of the ground floor use of existing and future structures.

CANAL CROSSING

AMENDMENTS NOV 2018

REDEVELOPMENT PLAN BOUNDARY



CANAL CROSSING

AMENDMENTS SPRING 2019

☐ NEW USE

EXISTING PERMITTED USES

- Residential
- Offices
- Medical Offices
- Retail sales and retail services
- Financial institutions
- Bars
- Child Care centers
- Restaurants, categories 1 and 2
- Civic
- Open Space and Parks
- Transportation Uses – restricted to the area indicated as Rail Transportation on the Land Use Regulating Plan. These uses shall include: Light-Rail Stations, rights-of-way and maintenance facilities, other rail rights-of-way. In addition, walkways, bikeways, open space, and parks shall be permitted in the Rail Transportation district.

PROPOSED PERMITTED USES

- Residential
- ☐ • Work/Live Artist Studios
- ☐ • Assisted Living Residence
- ☐ • Independent Living
- ☐ • Senior Housing
- ☐ • Community Residences
- Offices
- ☐ • Incubator spaces
- ☐ • Co-working spaces
- ☐ • Makerspaces
- Medical Offices
- Retail sales and retail services
- Financial institutions
- Bars
- Child Care and Daycare centers
- ☐ • Adult Daycare center
- Restaurants and cafés, categories 1 and 2
- Civic
- ☐ • Schools
- ☐ • Community Family Centers
- ☐ • Recreation and Wellness Centers
- ☐ • Fitness Clubs
- ☐ • Houses of Worship
- ☐ • Bed and Breakfasts
- ☐ • Hotels
- ☐ • Museums

PERMITTED USES (CONT'D)

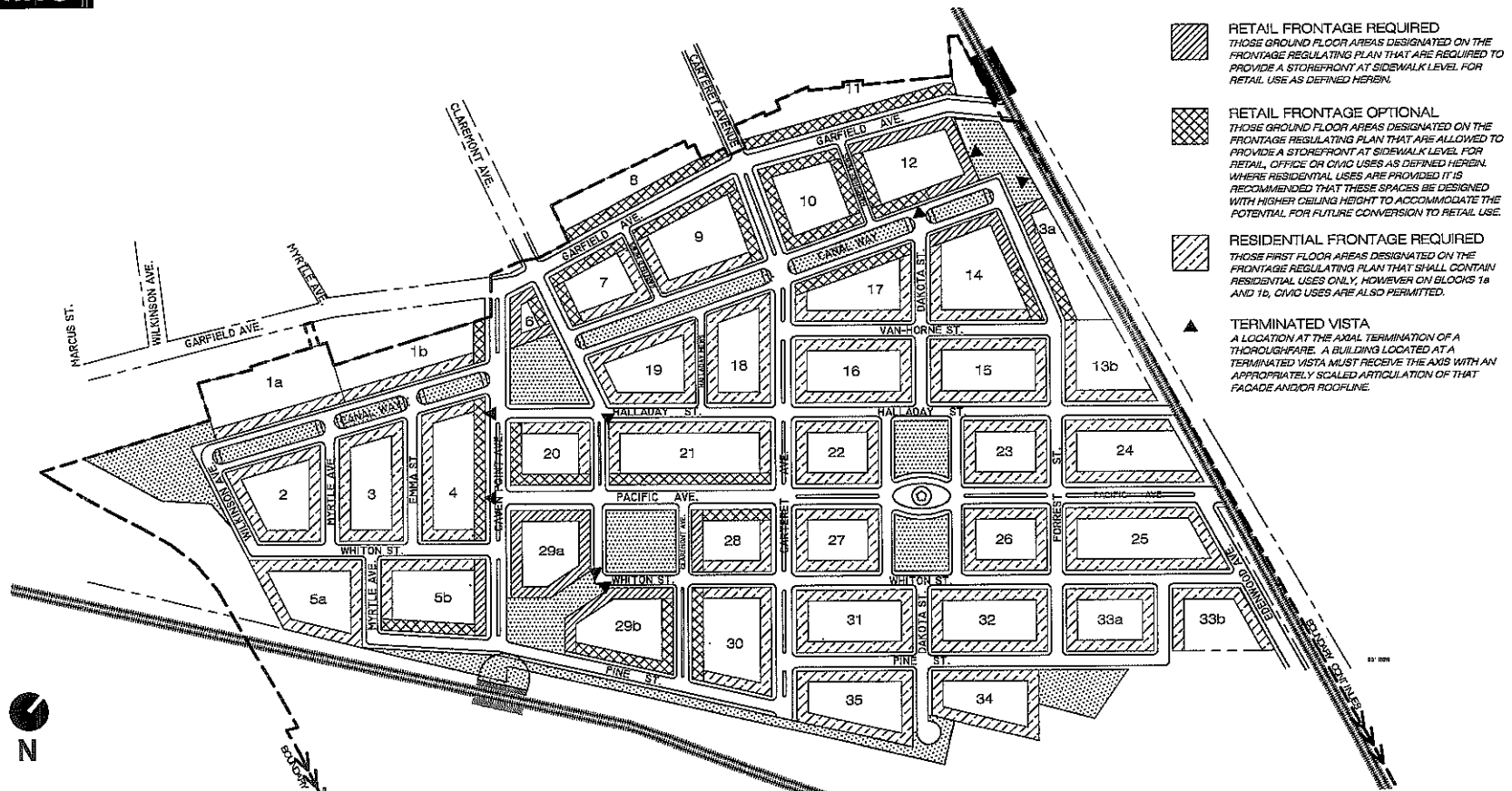
- ☐ • Galleries
- ☐ • Theaters
- Open Space and Parks
- ☐ • Commercial agriculture
- ☐ • Community gardening
- ☐ • Commercial Food Production
- ☐ • Distilleries and Microbreweries
- ☐ • Film Studios
- ☐ • Industrial uses, as shown on Ground Floor Regulating Plan, to include:
 - a. Warehousing
 - b. Distribution centers
 - c. Storage centers
 - d. Light Assembly
 - e. Light Industrial
 - f. Light Manufacturing
- ☐ • Public Utilities
- Transportation Uses – restricted to the area indicated as Rail Transportation on the Land Use Regulating Plan. These uses shall include: Light-Rail Stations, rights-of-way and maintenance facilities, other rail rights-of-way. In addition, walkways, bikeways, open space, and parks shall be permitted in the Rail Transportation district.

CANAL CROSSING

AMENDMENTS SPRING 2019

EXISTING

GROUND FLOOR FRONTAGE REGULATING PLAN

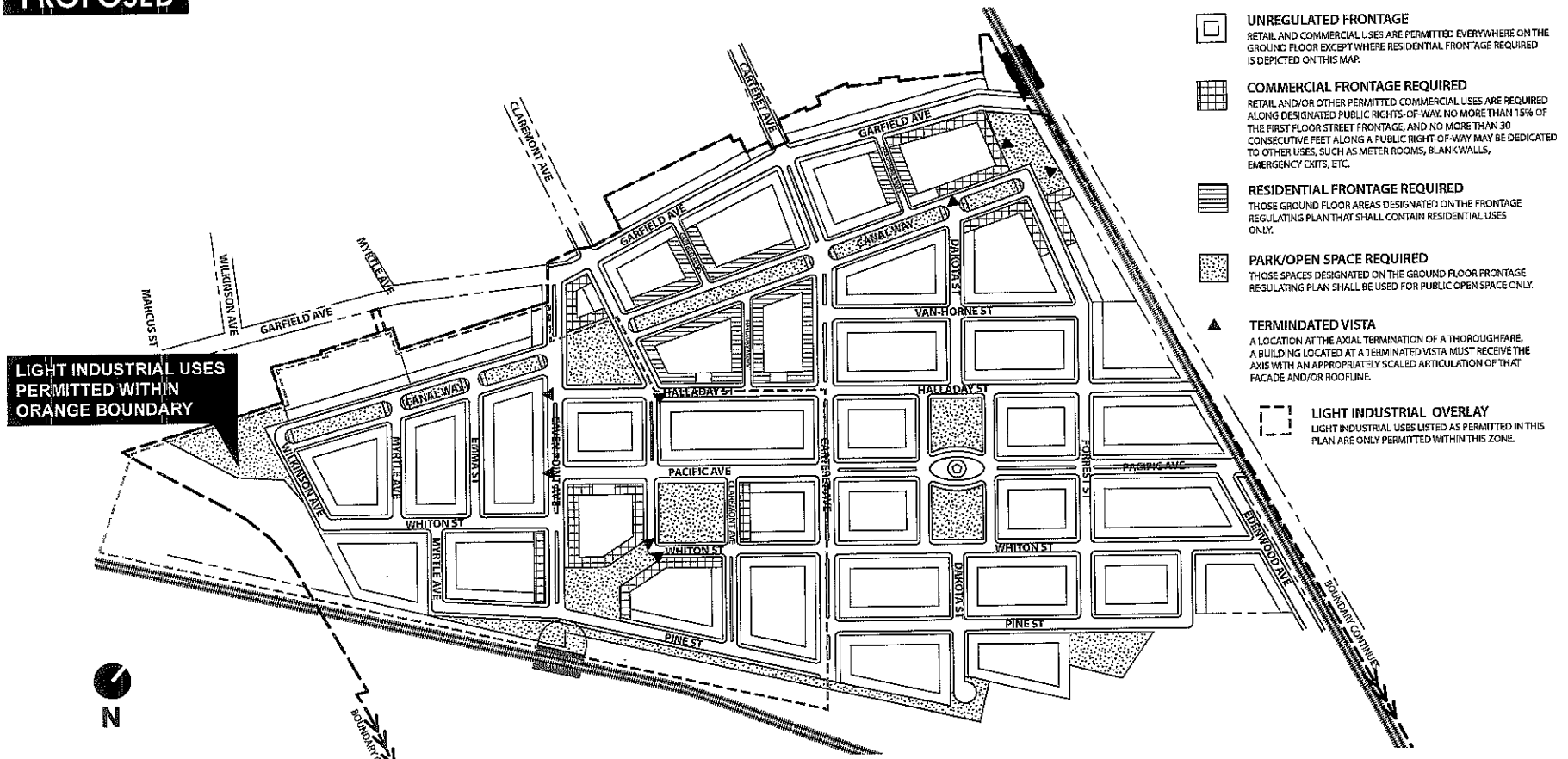


CANAL CROSSING

AMENDMENTS SPRING 2019

PROPOSED

GROUND FLOOR FRONTAGE REGULATING PLAN



AMENDMENTS TO PRESENT TO CITY COUNCIL – SPRING 2019

VERSION 04.01.2019

COUNCIL REVIEW KEY:

- Proposed additions to the existing Plan language are **bolded and highlighted in gray**
- Proposed deletions from the existing Plan language are ~~*italicized and have a strikethrough*~~

Canal Crossing Redevelopment Plan

Adopted January 28, 2009 – Ord. 09-006

Block & Lot Updates 10/10/12

Amended February 13, 2013; Ord. 13-007

CANAL CROSSING REDEVELOPMENT PLAN

CITY OF JERSEY CITY

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Appendix I: Maps and Unit Counts

I. INTRODUCTION

A new transit-oriented neighborhood within the City of Jersey City

The Canal Crossing Redevelopment Plan Area is approximately 111 acres in area and is located in the southeastern section of the City of Jersey City. It was formed from the southern portion of the Morris Canal Redevelopment Area and a portion of the Claremont Industrial Redevelopment Area. The Canal Crossing Redevelopment Area is now a separate distinct redevelopment area within the City of Jersey City.

The Hudson-Bergen Light Rail (HBLR) system runs along both the northern and eastern borders of the area. The Westside connector branch of the HBLR forms the northern border of the Redevelopment Area and the Garfield Avenue station is located at the north-west corner of the Area. The Bayonne line forms the eastern border of the Area. A new station is proposed on this line at the eastern terminus of Caven Point Avenue within the Area.

The Morris Canal, **a major regional freight transportation route**, once traversed the Redevelopment Area in a general north & south alignment near the western edge of the Redevelopment Area. ~~The Morris Canal was a major regional freight transportation route.~~ In the nineteenth century, it fostered the growth of heavy industrial uses. Later, when the canal fell into disuse, it was abandoned and filled in. Railroad freight lines and heavy trucks replaced the canal in servicing the existing industries. ~~The existing Lafayette residential community, just to the north, shared in the benefits of the industrial growth of the area.~~ The industrial growth in turn led to the development of nearby housing for the people who worked in the plants and mills. This type of mixed industrial / residential neighborhood, common to the Northeast in the 19th century, was successful until the middle of the 20th century when heavy industry began to leave urban areas behind. ~~During this transition, the surrounding residential neighborhoods changed as well.~~

As jobs were lost and land prices fell, neighborhoods deteriorated and the industries that remained were generally those that had the most noxious environmental impact. These uses also encroached on the residential areas, further depressing land values.

The industrial history of the area has left a landscape of obsolete structures and properties, many of which contain contaminated soil and require remediation. Historically, developers have avoided redeveloping brownfields due to the high costs and fear of liability. However, recent legislation has reduced these risks and made brownfields in urban areas more desirable for development. ~~At the same time, recent State development policy has sought to direct new development into cities and towns where necessary infrastructure and mass transit already exists, and away from "green" fields so as to diminish the negative impacts of suburban sprawl.~~

It is now time to begin the process of re-planning and redeveloping this former industrial area from the 19th and early 20th century into a new, vibrant mixed-use residential neighborhood for the 21st century. **Redevelopment of this area will also encourage the upgrading of roadways and utilities in the surrounding area, encourage reinvestment and neighborhood stability and provide for the environmental remediation of properties within the Redevelopment Area,**

This Plan envisions a neighborhood incorporating the ~~best principals~~ **principles** of sustainable development. The Plan is based on the combined ~~principals~~ **principles** of Smart Growth, New Urbanism and Green Building. The intent is to create an open network of streets interconnected within the Area, as well as with the neighborhoods to the west and north. The street system

provides for the extension of the existing grid into the Area. The scale and character of the street grid is intended to provide appropriate access to all portions of the Canal Crossing neighborhood. The ~~open~~network of small city blocks will allow for multiple alternate routes of travel and slower vehicular travel speeds. This will result in a more interesting and varied pedestrian environment and provide for safe convenient pedestrian access to mass transit, commercial facilities and public open space amenities throughout the Area.

~~Convenient commercial~~ **Commercial** facilities and services ~~are envisioned near~~ **will be in close vicinity of the light rail** ~~each of the light rail~~ stations. The larger of the commercial clusters is proposed nearer to the proposed Caven Point Avenue light-rail station. This portion of the Redevelopment Area is envisioned as the town center for the Canal Crossing neighborhood ~~and a "Town Square" is proposed for this area.~~

~~Additional urban scale~~ **Several** parks are proposed within the Canal Crossing neighborhood to provide locations for ~~people to gather~~ **community congregation**, passive recreation, children's playgrounds and similar activities. A prime open space feature of the Canal Crossing neighborhood will be the creation of "Canal Way", an expansive green way built over the former bed of the Morris Canal. This greenway will be extended over time and interconnected with other green spaces along the former Morris Canal to ~~form~~**complete** a continuous green way throughout the City of Jersey City. Canal Way will be interconnected with the new Berry Lane Park currently being planned for 17 acres just north of the development on the other side of the Westside Connector light rail line. An important intent of this plan is to provide for a pedestrian connection to Liberty State Park from the eastern terminus of Caven Point Avenue. A new school site is also proposed toward the southern end of the Canal Crossing neighborhood, located such that it can serve the needs of the new neighborhood, as well as the existing neighborhood to the west.

It is the intent of this Plan to provide for a diversity of uses, and also a diversity of housing and building types. Housing developed within the Canal Crossing neighborhood will include market rate housing, work-force housing and housing affordable to persons of low and moderate income. Both rental and for-sale housing will be constructed. Various building sizes will also be provided. Much of the Area is envisioned as being low to mid-rise in scale and character, four to eight stories. However, some high-rise structures, of approximately 12 stories, will also be allowed in areas in close proximity to the light rail stations. This variety of building height and scale will provide for greater architectural interest and allow for greater housing diversity in terms of unit types.

In order to promote sustainable development within the Canal Crossing neighborhood, all new buildings will be required to incorporate "Green Building" technologies and development practices as outlined in the "LEED for New Construction Rating System". In fact, the entire Canal Crossing neighborhood is envisioned as a sustainable community incorporating walkable streets; convenient access to mass transit, commercial services, community facilities and open space; reduced reliance on the automobile; a diversity of building sizes, housing types and affordability ranges; all interconnected to each other and the existing street network and fabric of the surrounding neighborhoods and the City of Jersey City in general.

~~Redevelopment of this area will also encourage the upgrading of roadways and utilities in the surrounding area, encourage reinvestment and neighborhood stability and provide for the environmental remediation of properties within the Redevelopment Area.~~

II. BOUNDARY DESCRIPTION

NO CHANGES

III. REDEVELOPMENT PLAN OBJECTIVES

- A. To redevelop the Canal Crossing Project Area in a manner that will exemplify the principles of New Urbanism and ~~implement~~**introduce** traditional neighborhood-scale development ~~techniques that recognize this unique inner-city location in a street grid pattern that is open to the public~~**to the existing industrial character and organization of the redevelopment area.**
- B. To E.
NO CHANGES
- F. To encourage innovative mixed-use development ~~through new construction of low rise, mid rise and high rise structures,~~ thereby allowing greater variety in building ~~use~~ type, and design.
- G. To ~~require~~**establish** the interconnection of uses, blocks, and streets to create integrated neighborhoods ~~and a greater sense of community through the establishment of a traditional urban street grid pattern as described herein~~**that promote a variety of uses while maintaining appropriately scaled public networks and neighborhood navigability.**
- H. NO CHANGES
- I. ~~To require the interconnection of the new Canal Crossing Neighborhood with~~**integrate the Canal Crossing neighborhood into the existing urban fabric and strengthen connections to** existing neighborhoods to the north and west ~~and possibly east, through the extension of the existing street grid system into the redevelopment area.~~
- J. To M.
NO CHANGES
- N. To construct streets, infrastructure, open space and other public improvements in order to benefit this ~~new~~ neighborhood as a whole and the residents of Jersey City in general.
- O. NO CHANGES
- P. To ~~implement the creation of~~**create** places ~~which that~~ are oriented to the pedestrian, promote citizen security, and social interaction.
- Q. To implement developments where the physical, visual, and spatial characteristics ~~are~~**is** established and reinforced through the ~~consistent use~~**cohesive design** of thoroughfare, urban and architectural design elements.
- R. To S.
NO CHANGES
- T. To identify and preserve significant historic features ~~in~~**throughout** the Redevelopment Plan Area and incorporate appropriate informational signage ~~and public art which~~**celebrate these features and their significance to the neighborhood.**

IV. PROPOSED REDEVELOPMENT ACTIONS

NO CHANGES

V. GENERAL ADMINISTRATIVE REQUIREMENTS

The following provisions shall apply to all property located within the Redevelopment Area.

- A. **Prior to the commencement of:** (a) any new construction, (b) reconstruction, (c) rehabilitation (d) any change in the use of any structure or parcel, or (e) any change in the intensity of use of any structure or parcel; a site plan for such shall be submitted by the developer or property owner to the Planning Board for review and site plan approval. No temporary or permanent Building Permit shall be issued for any work associated with a. through e. above, without site plan review and approval of such work by the Planning Board. ~~*Duration—The provisions of this Plan specifying the redevelopment of the Area and the requirements and restrictions with respect thereto shall be in effect for a period of twenty (20) years from the original date of approval of this Plan by the Jersey City Municipal Council. Subsequent amendments hereto shall not alter or extend this period of duration, unless specifically extended by such amendments.*~~
- B. **TO E.**
NO CHANGES
- F. **Deviation Clause** - The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting: (1) a use or principal structure in a district restricted against such use or principal structure, (2) an expansion of a non-conforming use, (3) **an increase in height which exceeds by 10 feet or 10% the maximum height permitted in the district,** (4) an increase in the permitted floor area ratio, (6) an increase in the permitted density. ~~*Further, no deviations shall be granted which*~~

~~would have the effect of varying the grid-like pattern of the Street Network Plan in relation to street location, street type, R-O-W width, and pavement width beyond normal adjustments encountered during survey synchronization.~~ An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

No deviations shall be granted for exceeding maximum building height limitations of the plan.

- G. **TO H.**
NO CHANGES

VI. GENERAL REGULATIONS AND REQUIREMENTS

A. BUILDING DESIGN REQUIREMENTS

NO CHANGES

B. AFFORDABLE HOUSING REQUIREMENTS

1. Affordable housing and workforce housing shall be provided as part of any development within this Redevelopment Area. For every ten (10) residential units constructed, a residential development shall be obligated to include one unit that is affordable to households of low, moderate or work force income. In addition, a redeveloper shall be permitted to construct a "bonus" market rate unit for every low, moderate or work force income unit constructed. The result being that out of every eleven (11) units constructed, one will be an affordable or workforce unit. ~~In order to accommodate the bonus market rate units additional incentives shall be provided including but not limited to a proportional increase in allowable height and a reduction or elimination of parking.~~
2. Affordable housing ~~for low and moderate income units~~ shall be defined ~~the same as affordable housing that is a part of a fair share plan housing element as approved by Superior Court and/or the Counsel On Affordable Housing according to the Housing Affordability Controls (UHAC)~~ or according to any relevant chapter in the Municipal ordinance of the City of Jersey City. Workforce housing shall be defined as housing affordable to households with a gross household income equal to more than eighty percent (80%) but not more than one-hundred and twenty percent (120%) of the median gross household income for households of the same size.
3. TO 4.
NO CHANGES

C. SUSTAINABLE DESIGN REQUIREMENTS

1. ~~All new buildings will be required to comply with the "LEED for New Construction Rating System" (LEED NC). This system is designed for use during the design and construction phases of a building. LEED NC~~

~~addresses the environmental impacts of site and materials selection, demolition, and construction. LEED NC facilitates and encourages project teams to use an integrated design approach from start to finish, resulting in buildings with lower impact on occupants and the environment, and a positive economic impact for owners. Additionally, the LEED NC Rating System promotes improved practices in: site selection and development, water and energy use, environmentally preferred construction products, finishes, and furnishings, waste stream management, indoor environmental quality, innovation in sustainable design and construction.~~

- ~~2. All buildings will be required to achieve a minimum of a Silver LEED Certification level. Silver credits will be awarded based on five (5) categories of performance: Sustainable Sites, Water Efficiency, Energy & Atmosphere, Materials & Resources, and Indoor Environmental Quality. Projects can earn additional points under an Innovation in Design category, through demonstrating exceptional performance of LEED requirements.~~
- ~~3. Any single development comprising more than one block is required to comply with the "LEED for Neighborhood Development" rating system. LEED for Neighborhood Development is intended to revitalize existing urban areas, reduce land consumption, reduce automobile dependence, promote pedestrian activity, improve air quality, decrease polluted storm water runoff, and build more livable sustainable communities for people of all income levels.~~

~~Neighborhood Developments will be required to achieve a minimum of a Silver LEED Certification level. The project can achieve a variety of points from four separate categories: Smart Location and Linkage, Neighborhood Pattern Design, Green Construction and Technology, and Innovation and Design. Points are also available within the LEED for Neighborhood Development rating system for including LEED Certified buildings and for integrating green building practices within the buildings in the neighborhood.~~

D. PARKING AND LOADING REQUIREMENTS

1. TO 3.
NO CHANGES
4. No mid-block **or wrapped** parking structure shall be higher than the height of the shortest building masking it. All parking structures shall be covered by a landscaped deck providing open space for residents of the building.

4. TO 11.
NO CHANGES

E. SIGNAGE REQUIREMENTS

No signs or window graphics other than those specifically enumerated herein shall be permitted.

1. TO 12.

NO CHANGES

13. In order to facilitate the overall redevelopment of the Study Area, surrounding are and the City of Jersey city in general, all advertising, signage and other promotion of the development and redevelopment of the Study Area shall contain references to the proposed projects location in the City of Jersey City so as to promote the positive aspects of the project, Study Area and the City of Jersey City.

The following additional signage restrictions shall apply to specific uses:

- a. ~~Office, Medical Office, Civic/Public/school: Total exterior signage shall not exceed fifty (50) square feet. One (1) use shall be permitted no more than one (1) sign. Buildings with multiple uses shall not have more than one (1) sign per use and the aggregate of all signs shall not exceed the maximum area permitted.~~ Residential: One (1) sign per building may be allowed, not to exceed twenty (20) square feet.
- b. Retail, Restaurant, **Office**, and all other uses not specifically identified: Each establishment is allowed one sign and one blade sign per street frontage. (Establishments on corners are thus allowed two sets of signs.) Signage shall not exceed 30 inches in vertical dimension. Blade signage shall not exceed 18 inches in vertical dimension.
- c. **Industrial: Each business is allowed one sign at 10% the area of the first story of the wall to which the sign is attached, or 200sq. ft, whichever is less.**
- d. Accessory Parking: Since commuter and commercial parking is not permitted, the location of parking facilities may only be indicated by use of the international parking symbol. Said signage may not exceed five (5) square feet and must be flush mounted to the building. Informational and directional signage may also be provided, but only flush mounted on interior walls within the structure.

14. NO CHANGES

15. Prohibited Signage: The following signs and devices shall not be permitted within the Canal Crossing Redevelopment Area:

Monument signs and internally or externally illuminated box signs, flashing or animated signs, spinners, pennants, reflective materials that sparkle or twinkle, roof signs, billboards, ~~signboards, window signs~~, posters, plastic or paper that appear to be attached to the window, pole signs, free-standing signs, fluorescent and/or glowing paint for any signage or building within the redevelopment area, waterfall style awnings, plastic awnings, product advertising signage of any kind. Product advertising signage is defined here to include, but not be limited to signage on: parking meters, signage in windows, on light poles, benches or other street furniture within the redevelopment area. Nothing in this paragraph shall be deemed to prohibit signage within New Jersey Transit Light Rail Stations or bus stop shelters; or either lamppost mounted seasonal banners or traditional residential holiday decorations.

F. UTILITY AND INFRASTRUCTURE REQUIREMENTS

1. TO 3.

NO CHANGES

4. The Planning Board and/or the City of Jersey City may require a pro-rata fair share assessment to be paid by each development within the Redevelopment Area to off-set the cost of infrastructure improvements, expansion or new construction. The value of the assessment shall be based upon a formula to be developed by the City of Jersey City and/or the Planning Board, with the assistance of their professional staff and consultants, and shall be determined at the time of developer designation or site plan approval as appropriate. In the alternative, the City may create a Revenue Allocation District pursuant to State law or similar to fund these improvements

5. NO CHANGES

VII. SPECIFIC USE STANDARDS

A. **Permitted Uses:** The following uses are permitted pursuant to the location requirements found in the Land Use and Frontage Regulating Plans. These uses are further defined in the definition section of this Plan and the Jersey City Land Development Ordinance.

1. Residential
2. Work/Live Artist Studios
3. Assisted Living Residence
4. Independent Living
5. Senior Housing
6. Community Residences
7. Offices
8. Incubator spaces
9. Co-working spaces
10. Makerspaces
11. Medical Offices
12. Retail sales and retail services
13. Financial institutions
14. Bars
15. Child Care and Daycare centers
16. Adult Daycare center
17. Restaurants and cafés, categories 1 and 2
18. Civic
19. Schools
20. Community Family Centers
21. Recreation and Wellness Centers
22. Fitness Clubs
23. Houses of Worship
24. Bed and Breakfasts
25. Hotels
26. Museums
27. Galleries
28. Theaters
29. Open Space and Parks
30. Commercial agriculture

- 31. Community gardening
- 32. Commercial Food Production
- 33. Distilleries and Microbreweries
- 34. Film Studios
- 35. Light Industrial uses, as shown on Ground Floor Regulating Plan, to include:
 - a. Warehousing
 - b. Distribution centers
 - c. Storage centers
 - d. Light Assembly
 - e. Light Industrial
 - f. Light Manufacturing
- 36. Public Utilities
- 37. Transportation Uses – restricted to the area indicated as Rail Transportation on the Land Use Regulating Plan. These uses shall include: Light-Rail Stations, rights-of-way and maintenance facilities, other rail rights-of-way. In addition, walkways, bikeways, open space, and parks shall be permitted in the Rail Transportation district.

B. Accessory Uses
NO CHANGES

C. Adverse Influences
NO CHANGES

D. Permitted Height: Building heights shall be as indicated on the Building Height Regulating Plan.

1. Additional Height Requirements:

- a. All residential floors above the first floor shall have a minimum floor to ceiling height of 9 feet and a maximum of 12 feet. Residential units on the first floor shall have a minimum floor to ceiling height at least 1 foot higher than the residential floors above. **In existing buildings being renovated or converted to residential use, the above required floor to ceiling heights shall not apply; and the existing floor to ceiling heights shall be considered conforming.**
- b. Ground floor commercial areas shall have a minimum floor to ceiling height of 12 feet. In addition, ground floor commercial space may include a mezzanine level, which shall not be counted as a floor. The maximum ceiling height of the commercial ground floor area shall not exceed 20 feet. **In existing buildings being renovated or converted to commercial use on the ground floor, the above required floor to ceiling heights shall not apply; and the existing floor to ceiling heights shall be considered conforming.**
- c. The floor of all residential uses provided on the first floor of any building shall be located at least 30 inches above finished grade adjoining the building. **In existing buildings being renovated or converted to residential use, the above required first floor height shall not apply; and**

the existing first floor height above grade shall be considered conforming;

- d. Uses other than residential uses located above the ground floor shall have a minimum floor to ceiling height of 9 feet and a maximum of 15 feet. **In existing buildings being renovated or converted to other than residential use on the upper floors, the above required floor to ceiling heights shall not apply; and the existing floor to ceiling heights shall be considered conforming.**
- e. Parapets and other roof-top appurtenances may exceed the permitted height within the limitations imposed by the City of Jersey City Land Development Ordinance.

E. **Maximum Permitted Intensity of Development:**
NO CHANGES

F. **Minimum Unit Size**
NO CHANGES

G. Required Lot Size: Each block shall be developed as a unified whole as indicated on the Block Identification Plan. This requirement may be modified by the Planning Board pursuant to Section V. paragraph H. (Deviation Clause) of this Redevelopment Plan. **Should a block be developed incrementally, the developer shall be limited to the number of units that is proportional for their property in relation to the total units permitted per the acreage of that block.**

H. **Required Setbacks:**
NO CHANGES

I. Regulating Plans and Maps: This section summarizes the series of maps included in Appendix I of this document. Each plan illustrates the future buildout regulations and organization of the Canal Crossing Redevelopment Plan.

1. **Boundary Map:** This map identifies the boundaries of the Canal Crossing Redevelopment Area.
2. **Concept Plan:** This plan illustrates the future conditions as established by the Canal Crossing Redevelopment Plan. It identifies the future street grid, parks and open space network, transit networks, and future connections to adjacent neighborhoods and community facilities.
3. **Street Network:** Consistent with the principles of smart growth and sound urban design, the plan calls for a porous street network consisting of numerous neighborhood scale streets, avenues, and boulevards. This network provides multiple options for vehicular traffic within the redevelopment area such that vehicular traffic is more evenly distributed throughout the redevelopment area. No street will require more than one lane in each direction. This map is for illustrative purposes and is subject to revisions and refinements as deemed necessary through engineering feasibility completed under the Jersey City Redevelopment Agency. Advancement of the Street Network Plan to 60% schematic design drawings may result in streamlining of grid connectivity and dimensions.

4. **Transit Plan:** This plan shows the comprehensive multi-modal transportation system that is proposed for the Redevelopment Area. This includes existing assets such as the Garfield Avenue Light Rail Station and bus routes, and proposed networks and expansions including an additional light rail station, proposed bicycle routes, and throughways for vehicular and pedestrian access.
5. **Block Identification and Gross Area Plan:** This plan identifies blocks throughout the Redevelopment Area as dictated by the proposed street grid. The block numbers shown are for Redevelopment Plan reference only. The plan also provides the gross block area in both square feet and acreage for each of the blocks. This map is for illustrative purposes and is subject to revisions and refinements as deemed necessary through engineering feasibility completed under the Jersey City Redevelopment Agency. Advancement of the street framework to 60% Schematic Design drawings may result in streamlining of grid connectivity, resulting in revisions to block dimensions and gross areas.
6. **Building Height Regulating Plan:** This plan establishes the hierarchy of massing permitted on a block-by-block basis throughout the Redevelopment Area. The plan categorizes permitted height through five classes of buildings; S-Class buildings, SM-Class buildings, M-Class buildings, L-Class Buildings, and Civic/Residential Buildings. Refer to the plan in Appendix I for more detailed information on stories permitted within each building class.
7. **Ground Floor Frontage Regulating Plan:** This plan identifies frontages throughout the Redevelopment Area that are bound to specified uses at the ground floor. Frontages that do not have a required use specified are open to all permitted uses within the Canal Crossing Redevelopment Plan as stipulated in chapter VII. Specific Use Standards.
8. **Conceptual Landscape Plan:** This plan is for illustrative purposes only. It is not intended to show the precise location of street trees or the design of parks and plaza, but is intended to demonstrate that all streets, whether commercial or residential in nature, must contain street trees as required by the Jersey City Forestry Standards. Landscape treatments of parks and plazas and are subject to future design.
9. **Acquisition Plan:** This plan identifies properties that are not included in future acquisition plans. All other properties within the Redevelopment Area are listed as to be acquired.
10. **Superimposed Plan:** This plan overlays the proposed Canal Crossing street grid and block development plan with the existing block and lot boundaries in the neighborhood.
11. **Unit Count Table:** This table provides permitted unit counts by block. Should a block be developed incrementally and not by a single land owner, these counts are to be applied proportionally to the acreage being developed as relevant to the total block area.

VIII. CIRCULATION PLAN

NO CHANGES

IX. OPEN SPACE PLAN

Public open space areas, streetscape and landscape improvements shall be developed as directed by this Plan and are subject to site plan approval by the Planning Board.

A. TO C.
NO CHANGES

- D. Trees shall be planted as specified in the *“Thoroughfare Standards” as included in this Plan. All tree pits shall be covered with metal grates, decorative fencing, tree guards, and/or decorative pavers. Open tree pits or planning strips in any street right of way are prohibited.* **Jersey City Forestry Standards, available online at <https://www.cityofjerseycity.com/CityHall/planningzoningconstruction/cityplanning>**

E. NO CHANGES

- F. All street lighting shall be of decorative design and comply with the approved standard fixture types. Street lights shall be located at the outer edge of all sidewalks, and shall correspond to the Regulating Plan as follows:

Public Open Space and Civic Frontage: One lighting standard (no more than 15’ tall) for every 30 linear feet of sidewalk average.

Required ~~Retail~~ Commercial Frontages: One lighting standard (no more than 15’ tall) for every 30 linear feet of sidewalk average.

~~Optional Retail Frontages:~~ *One lighting standard (no more than 15’ tall) for every 50’ linear feet of sidewalk average.*

Undesignated Frontages: One lighting standard (no more than 20’ tall) for every 70 linear feet of sidewalk average.

~~Residential-Only~~ Required Residential Frontages: One lighting standard (no more than 25’ tall) for every 90 linear feet of sidewalk average.

Where more than one use occurs along any frontage the more stringent requirement shall prevail. These requirements may be adjusted relative to one another in response to the photometric specifications of the chosen light standards. Street lights shall be placed beginning at corners (without blocking crosswalks) and then working inward to the block middle. Street lights shall produce a spectrum in the daylight-incandescent range. (Bluish and very yellowish lamps are not allowed.)

G. TO L.
NO CHANGES

X. **ACQUISITION PLAN**
NO CHANGES

XI. **RELOCATION**
NO CHANGES

OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

A. TO E.

NO CHANGES

F. At the point of original adoption, the proposed Redevelopment Plan was not consistent with the 2000 Jersey City Master Plan. Within the Master Plan, the Canal Crossing Area is identified as being an industrial zone within the Morris Canal Redevelopment Area and a portion of the Claremont Industrial Redevelopment Area. ~~The Claremont Redevelopment Plan permits offices, light industrial or manufacturing fabrication, assembly, and/or processing, warehousing, and public or semi public uses as principal uses in the Canal Crossing Redevelopment Area. The Morris Canal Redevelopment Area permits principle uses such as assembly of goods or parts that are manufactured elsewhere, distribution facilities, light industry, occupational training centers, parks, research and development laboratories, warehousing facilities, manufacturing facilities, and railroad tracks for freight or passengers as principal uses in the Canal Crossing Area.~~

~~However,~~ Since the time of the adoption of the 2000 Jersey City Master Plan, the State of New Jersey has developed a series of Smart Growth Policies which include encouraging development and redevelopment in existing urban centers where mass transportation and infrastructure already exist. ~~The intent of these policies is to spur urban revitalization, brownfield redevelopment, and to discourage new greenfield development and restrict suburban sprawl. In addition to these policy initiatives, the~~ construction of Hudson Bergen Light Rail has created a new opportunity for this Redevelopment Area to support higher density mixed-use development. Clearly, the implementation of new Smart Growth Policies by the State of New Jersey and the development of new mass transportation infrastructure, in the form of the Hudson Bergen Light Rail, has created a new social and economic environment wherein mixed use development is a more appropriate approach to this area than what was proposed in the 2000 Master Plan. ~~Furthermore, the redevelopment of this area for primarily residential mixed use development will result in the environmental remediation of numerous highly contaminated properties throughout the Redevelopment Area, thereby providing a benefit to the entire City of Jersey City.~~

Per spring 2019 amendments, the Canal Crossing Redevelopment Plan is now more aligned to both the 2000 Master Plan and the State's current Smart Growth Policies through the expansion of permitted uses to include industrial uses within a designated portion of the Redevelopment Area. This expansion - in combination with current permitted residential and commercial uses - helps to establish the Canal Crossing Redevelopment Area as a truly mixed use development that aligns with both current and future land use policies. ~~is not permitted in the industrial areas within the Morris Canal Redevelopment Area or the Claremont Industrial Redevelopment Area.~~

For these reasons, it is in the public interest and will serve the general welfare of the Citizens of Jersey City for the Canal Crossing Redevelopment Plan amendments contained herein to be approved and adopted.

G. NO CHANGES

XIII. PROCEDURE FOR AMENDING THE APPROVED PLAN

- A. The Plan may be amended from time to time upon compliance with the requirements of law. A fee of ~~seven thousand five hundred dollars~~ ~~\$ 1,000~~ **7,500**, plus all costs for copying and transcripts shall be payable to the City of Jersey City for any request to amend this Plan. Any person, designated redeveloper, or other private entity requesting an amendment to this Plan shall pay these costs. If there is no developer the appropriate agency shall be responsible for any and all such costs.
- B. No amendment to this Plan shall be approved without a public hearing by the Planning Board, and a public hearing and adoption by Municipal Council. A copy of any proposed change to the Plan shall be filed with the Office of the City Clerk.
1. In addition, notice of a hearing to amend the Plan shall be sent to the designated agent(s) that is(are) registered with the Division of City Planning (refer to Community Empowerment section) via regular mail at least twenty-one (21) calendar days prior to the date set for the hearing. In addition, an affidavit showing proof of submission of the proposed amendment to the aforementioned agents shall be submitted to the Division of City Planning not less than ten (10) calendar days prior to said hearing.
 2. Notice of the Planning Board meeting shall be published in a local newspaper at least 10 days prior to the meeting.

XIV. PHASING
NO CHANGES

XV. VALIDITY OF ORDINANCE
NO CHANGES

~~XVI. MAPS~~

APPENDIX I: MAPS AND UNIT COUNTS

City Clerk File No. Ord. 19-028

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-028

TITLE:

ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND EXTENET SYSTEMS, INC. TO PERMIT THE INSTALLATION OF ANTENNAS AND RELATED COMMUNICATIONS EQUIPMENT ON EXISTING UTILITY POLES AND STREET LIGHT FIXTURES AND IF NECESSARY TO INSTALL NEW OR REPLACEMENT STREET LIGHT FIXTURES AND UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

WHEREAS, Extenet Systems, Inc. ("Extenet"), 3030 Warrenville Road, Ste. 340, Lisle, Illinois 60532, is a facilities based competitive local exchange and interexchange telecommunications service provider authorized to provide services by the New Jersey Board of Public Utilities, pursuant to the Telecommunications Order, dated April 13, 2006 (BPU); and

WHEREAS, Extenet has requested that the City of Jersey City ("City") grant it permission to construct, install, operate, and maintain antennas and related telecommunications equipment on existing utility poles and lines and street lights located in the public rights-of-way and, if and where necessary, to install new or replacement street light fixtures and utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, Extenet will execute a twenty (20) year Use Agreement and will pay the City \$750.00 per each new pole installation to cover administrative expenses incurred by the City for engineering review of Extenet's Project; and

WHEREAS, Extenet agrees to pay the City's reasonable additional administrative expenses incurred by the City if the Project requires additional engineering and legal review; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for the installation of public utility lines in its rights-of-way; and

WHEREAS, it is deemed to be in the best interests of the City and its citizenry, including the commercial and industrial citizens, for the City to grant municipal consent to Extenet to occupy said public rights-of-way within the City for this purpose; and

WHEREAS, the granting of such consent is and shall be conditioned upon Extenet's continued compliance with all existing and future ordinances of the City and its entering into this Use Agreement with the City; and

WHEREAS, Extenet agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications facilities within certain public rights-of-way as set forth in the Use Agreement, and provide liability insurance coverage for personal injury and property damage.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF
THE CITY OF JERSEY CITY THAT:**

1. Non-exclusive consent is hereby granted to Extenet to use certain public rights-of-way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of twenty (20) years, subject to the mutual covenants and obligations as set forth in the Rights-of-Way Use Agreement attached hereto;
 2. The within granted permission is conditioned upon Extenet's executing the Rights-of-Way Use Agreement attached hereto and providing liability and property damage insurance;
 3. Extenet shall pay to the City \$750.00 per installation of each new utility pole or street light to cover the reasonable costs incurred by the City for engineering and/or legal review, analysis and preparation of documents related to Extenet's request for municipal consent to its Project. If the Project requires additional engineering and/or legal review, Extenet will pay the City's reasonable administrative expenses that the City incurs.
 4. The Mayor or Business Administrator is authorized to execute the attached Rights-of-Way Use Agreement.
-
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect at the time and in the manner as provided by law.
 - D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: New matter is underlined.

For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR
3-29-19

R.P.
3-29-19

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

RESOLUTION FACT SHEET - CONTRACT AWARD

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND EXTENET SYSTEMS, INC. TO PERMIT THE INSTALLATION OF ANTENNAS AND RELATED COMMUNICATIONS EQUIPMENT ON EXISTING UTILITY POLES AND STREET LIGHT FIXTURES AND IF NECESSARY TO INSTALL NEW OR REPLACEMENT STREET LIGHT FIXTURES AND UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES

Project Manager

Department/Division	Administration	Engineering
Name/Title	Joe Cunha	Municipal Engineer
Phone/email	547-6986	JCunha@jcnj.org

Note: Project Manager must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Contract Purpose

Extenet Systems, Inc. ("Extenet") is a telecommunications service provider authorized to provide services by the New Jersey Board of Public Utilities. Extenet has requested that the City grant it permission to construct, install, operate, and maintain antennas and related telecommunications equipment on existing utility poles and lines and street lights located in the public rights-of-way and, if and where necessary, to install new or replacement street light fixtures and utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project). Extenet will execute a 20 year Use Agreement and will pay the City \$750.00 per each new pole installation to cover administrative expenses incurred by the City for engineering review of Extenet's Project.

Cost (Identify all sources and amounts)

Not Applicable

Contract term (include all proposed renewals)

Twenty years

Type of award Not Applicable

If "Other Exception", enter type

Additional Information

I certify that all the facts presented herein are accurate.


Signature of Department Director

4/2/19
Date

RIGHTS-OF-WAY USE AGREEMENT

THIS RIGHTS-OF-WAY USE AGREEMENT ("Use Agreement") is dated the ____ day of _____, 2019 (The "Effective Date"), and entered into by and between the CITY of Jersey CITY ("CITY"), a New Jersey Municipal Corporation, having its address at 280 Grove Street, Jersey CITY, New Jersey 07302, and ExteNet Systems, Inc., a Delaware corporation ("EXTENET") with offices located at 3030 Warrenville Rd., Ste. 340, Lisle, Illinois 60532.

RECITALS

WHEREAS, EXTENET is a facilities based competitive local exchange and interexchange telecommunications service provider authorized to provide services by the New Jersey Board of Public Utilities, pursuant to the Telecommunications Order, dated April 13, 2006 (BPU); and

WHEREAS, EXTENET has requested that the CITY grant it permission to construct, install, operate, and maintain antennas and related telecommunications equipment on existing utility poles and lines and street lights located in the public rights-of-way and, if and where necessary, to install new or replacement street light fixtures and utility poles to accommodate such antennas and equipment within the public rights-of-way for the purpose of installing, operating, repairing, and maintaining a telecommunications system (Project); and

WHEREAS, EXTENET agrees to execute this twenty (20) year Use Agreement as set forth in Section 8 of this Use Agreement; and

WHEREAS, EXTENET agrees to pay the CITY \$750.00 per each new pole installation to cover administrative expenses incurred by the CITY for engineering review of EXTENET's Project as set forth in Section 7 of this Use Agreement; and

WHEREAS, EXTENET agrees to pay the CITY's reasonable additional administrative expenses incurred by the CITY if the Project requires additional engineering and legal review as set forth in Section 7 of this Use Agreement; and

WHEREAS, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the CITY to grant municipal consent for the installation of public utility lines in its rights-of-way; and

WHEREAS, it is deemed to be in the best interests of the CITY and its citizenry, including the commercial and industrial citizens, for the CITY to grant municipal consent to EXTENET to occupy said public rights-of-way within the CITY for this purpose; and

WHEREAS, the granting of such consent is and shall be conditioned upon EXTENET's continued compliance with all existing and future ordinances of the CITY and Federal Communications Commission rules and regulations in entering into this Use Agreement with the CITY; and

WHEREAS, EXTENET agrees to indemnify, defend and hold the CITY harmless as to all claims and liability resulting from any injury or damage which may arise from the construction, installation, operation, repair, maintenance, disconnect, replacement and removal of its telecommunications facilities within certain public rights-of-way as set forth in Section 9 of this Use Agreement, and provide liability insurance coverage for personal injury and property damage as set forth in Section 11 of this Use Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the CITY and EXTENET hereby agree to and with each other as follows:

Section 1: Definitions

- a. "BPU" is the New Jersey Board of Public Utilities
- b. "EXTENET" is the grantee of rights under this Use Agreement and is known as ExteNet Systems, Inc., its successors and assigns.
- c. "CITY" is the grantor of rights under this Use Agreement and is known as the CITY of Jersey CITY, County of Hudson, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Rights-of-Way" means the areas devoted to passing under, over on or through lands with public utility facilities.
- f. "Underground Conduit" means, in addition to its commonly accepted meaning, any wires or cable placed therein and any replacement thereof which are similar in constructions and use.
- g. "Utility Poles" means poles and lines with associated anchors and supports, if any, owned by EXTENET and poles and lines owned by others upon which EXTENET has the right to attach telecommunications facilities.
- h. "Street Light Fixture" means any pole or similar structure and the associated anchors and supports used to support a lighting fixture located in the right-of-way.
- i. "Effective Date" means the date this Agreement is executed by CITY officials.
- j. "Facilities" means Underground Conduit, Utility Poles, Wiring, Cabinets, Footings and Street Light Fixtures.

Section 2: Grant of Consent.

The CITY hereby grants EXTENET its municipal consent for the non-exclusive use of the public rights-of-way within the CITY for the purpose of owning, constructing, installing, operating

and maintaining telecommunications facilities, subject to the mutual covenants and obligations as set forth in this Use Agreement.

Section 3: Public Purpose.

It is deemed to be in the best interests of the CITY and its citizenry for the CITY to grant consent to EXTENET to occupy said public rights-of-way within the CITY for this purpose.

Section 4: Project Description and Notice to and Approval of CITY

(a) EXTENET will be installing antennas and related telecommunications equipment on existing utility poles and street light fixtures, as well as new and/or replacement utility poles and new and/or replacement street light fixtures to accommodate such antennas and telecommunications equipment, if and where necessary. Any construction to be undertaken for the purposes described herein shall require complete compliance with the associated Right-of-Way opening and traffic permitting processes, as promulgated by prevailing CITY ordinances, and notice of commencement of construction by EXTENET to the CITY. EXTENET shall fully describe the construction to be undertaken in plans and specifications submitted to the CITY, and shall obtain approval from, coordinate and work with the appropriate Municipal Department(s) before scheduling and commencing any construction. For all associated installations, especially for the construction of new Facilities, EXTENET shall obtain the approval of the Municipal Engineer and the Director of the Division of CITY Planning.

(b) This Use Agreement shall permit the installation of the wireless facilities listed in the attached Exhibit A to this agreement. At such time as EXTENET desires to install additional new utility poles, additional installations on existing utility poles and/or additional street light poles shall negotiate with the CITY for an amendment to this Use Agreement.

(c) Roadway restoration requirements, including but not limited to milling and paving as determined by the Municipal Engineer, shall apply pursuant to Ordinance 15.003.

Section 5: Scope of Use Agreement.

Any and all rights expressly granted to EXTENET under this Use Agreement, which shall be exercised at EXTENET's sole cost and expense, shall be subject to the prior and continuing right of the CITY under applicable laws to use any and all parts of the municipal rights-of-way exclusively or concurrently with any other person or persons on a non-discriminatory basis, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such municipal rights-of-way. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in EXTENET a real property interest in land, including any fee, leasehold interest, easement or any other form of interest or ownership.

Subject to obtaining the permission of the owner(s) of Street Light Fixtures, Utility Poles and Underground Conduit, which shall be the sole responsibility of EXTENET to undertake and obtain, and subject to notice and approval of the CITY as described in section 4 herein, the CITY

hereby authorizes and permits EXTENET to enter upon the municipal rights-of-way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate, retrofit and replace its telecommunications facilities, in or on Street Light Fixtures, Utility Poles or Underground Conduit owned by public utility companies or to be constructed by EXTENET located within the municipal rights-of-way, and as may be permitted by the public utility company or property owner, as the case may be.

Section 6: Compliance with Ordinances

EXTENET shall comply with all existing ordinances of the CITY as may be amended from time to time and with all future ordinances as may be enacted.

Section 7: Municipal Costs and Bond Requirements

(a) EXTENET agrees to pay to the CITY \$750.00 per new utility pole or new street light pole to cover the reasonable costs incurred by the CITY for engineering review, analysis and preparation of documents related to EXTENET's request for municipal consent to its Project (the "Fee"). If the Project requires additional engineering and/or legal review, EXTENET agrees to pay the CITY's reasonable administrative expenses that the CITY incurs.

(b) Each new utility pole installation and street light with wireless facilities mounted thereon, plus any associated cuts in the roadway or sidewalk or any other part of the public right-of-way, will be permitted on an individual basis, in accordance with the CITY's right-of-way opening permit procedures set forth in Chapter 296, Streets and Sidewalks, Article VII, Excavations of the Municipal Code. The total computed area of the disturbance, including the ground area disturbed and/or occupied by the new pole shall govern in determining the proper permit fees to be assessed.

(c) Any other cuts in the roadway or sidewalk or any other part of the public right-of-way, including but not limited to those associated with wireless facilities installed onto existing utility poles, will be permitted on an individual basis in accordance with the CITY's right-of-way opening permit procedures set forth in Chapter 296, Streets and Sidewalks, Article VII, Excavations of the Municipal Code.

(d) A construction, performance and completion bond in the amount of \$1,000.00 for each new utility pole or street light pole shall be obtained for the purpose of guaranteeing the installation and removal of all wireless facilities and associated utility poles in compliance with the ordinances of the CITY and this Agreement. EXTENET shall be responsible for the maintenance and repair of its Facilities, the removal of its Facilities when they are no longer needed to provide telecommunications services, and the restoration of the public right-of-way to the condition that existed prior to the installation of the Facilities (the "Work"). EXTENET shall provide a performance bond to secure the performance of the Work. The bond obtained by EXTENET shall be subject to approval by the CITY's Risk Manager.

(e) Any other fees assessed outside of this section for the initial review, approval and processing of each application for new wireless facilities within the CITY's public right-of-way shall be considered separate and additional to any fees associated with the typical permitting process detailed in this section in accordance with Chapter 296, Streets and Sidewalks, Article VII,

Excavations of the Municipal Code, the escrow deposit required by this section, and all other costs associated with the proper restoration of public roadway and/or sidewalk pavement in accordance with the CITY's ordinances and as determined appropriate by the Municipal Engineer.

Section 8: Duration of Consent and Termination of Agreement

The non-exclusive municipal consent granted herein shall expire twenty (20) years from the Effective Date of this Use Agreement. Upon expiration of such consent, or at such earlier date that EXTENET ceases to maintain its facilities, it shall remove the facilities at its cost and expense.

The CITY may terminate this Use Agreement, or require modification hereof, upon notice and opportunity of EXTENET to be heard, where it is shown that the scope of use hereunder is compromising the health, safety and welfare of the citizenry, which cannot be remedied or has not been remedied within a reasonable time after ExteNet receives written notice of such.

Section 9: Indemnification

EXTENET, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the CITY, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of EXTENET's actions under this Use Agreement and costs in connection therewith, except to the extent caused by or arising out of the CITY's negligence. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the CITY in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with EXTENET's activities pursuant to the rights granted in this Use Agreement, unless arising out of the negligence of the CITY.

Other than in connection with the foregoing third-party claims indemnification, neither the CITY nor EXTENET shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to the consents granted hereby.

Section 9: Notices

All notices or other correspondence required or permitted to be given in connection with this Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To EXTENET at: ExteNet Systems, Inc. ATTN: CFO
 3030 Warrenville Rd., Ste. 340
 Lisle, Illinois 60532

With a copy to "General Counsel" and "COO" at the same address.

To Jersey City: Municipal Engineer
 City of Jersey City
 13-15 East Linden Ave
 Jersey CITY, New Jersey 07305

With a copy to: Corporation Counsel
 Jersey City Law Department
 City Hall
 280 Grove Street
 Jersey City, New Jersey 07302

Section 10: Liability Insurance

EXTENET shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, EXTENET shall file Certificates of Insurance with the CITY with endorsements evidencing the coverage provided by said liability and excess liability policies.

The CITY shall notify EXTENET within fifteen days (15) days after the presentation of any claim or demand to the CITY, either by suit or otherwise, made against the CITY on account of any of EXTENET's or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement.

Section 11: Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

Section 12: Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 13: Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 14: Modification of Agreement.

This Agreement may not be amended or modified, except as provide for in Section 4(b), nor may any obligation hereunder be waived orally, and no such amendment, modification or

waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 15: Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 16: Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

IN WITNESS WHEREOF, this Use Agreement has been executed as of the date set forth above.

ExteNet Systems, Inc.

Witness

Richard Coyle, COO,CEO

City of Jersey City

Witness

Brian Platt
Business Administrator

Robert Byrne
Municipal Clerk

EXHIBIT A

Exhibit A

<u>Vendor Site ID</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Site Address</u>	<u>Jurisdiction (City)</u>	<u>Antenna Mount Type</u>
NJSC5058A	40.721348	-74.056697	475 Montgomery St. Jersey City, NJ	Jersey City	Strand
NJSC5070A	40.717713	-74.042381	281 Marin Blvd. Jersey City, NJ	Jersey City	Pole
NJSC5092A	40.711216	-74.038362	102 Washington St. Jersey City, NJ	Jersey City	Pole
NJSC5093C	40.715759	-74.040943	242 Van Vorst St. Jersey City, NJ	Jersey City	strand
NJSC5095A	40.718464	-74.057697	186 Colden St. Jersey City, NJ	Jersey City	Strand
NJSC5103A	40.715703	-74.042641	195 Grand St. Jersey City, NJ	Jersey City	Strand
NJSC5105A	40.713355	-74.041625	191 Dudley St. Jersey City, NJ	Jersey City	Strand
NJSC5107A	40.717602	-74.046567	259 Barrow St. Jersey City, NJ	Jersey City	Strand
NJSC5112A	40.720166	-74.041115	334 Marin Blvd. Jersey City, NJ	Jersey City	Strand
NJSC5116A	40.711615	-74.063761	256 Halladay St. Jersey City, NJ	Jersey City	Strand
NJSC5117A	40.712364	-74.061566	93 Lafayette St. Jersey City, NJ	Jersey City	Strand
NJSC5119A	40.704218	-74.080223	91 Bidwell Ave. Jersey City, NJ	Jersey City	Strand
NJSC5126A	40.712439	-74.064141	389 Communipaw Ave. Jersey City, NJ	Jersey City	Strand
NJSC5150A	40.722249	-74.065707	212 Summit Ave. Jersey City, NJ	Jersey City	Strand
NJSC5166A	40.7420896	-74.0603128	3193 John F Kennedy Blvd. Jersey City, NJ	Jersey City	Strand
NJSC5167A	40.741556	-74.060831	23 Spruce St. Jersey City, NJ	Jersey City	Strand
NJSC5168A	40.743302	-74.058931	3244 John F Kennedy Blvd. Jersey City, NJ	Jersey City	Strand
NJSC5179A	40.737744	-74.063697	268 St Pauls Ave. Jersey City, NJ	Jersey City	Strand
NJSC5181A	40.729426	-74.055147	493 Newark Ave. Jersey City, NJ	Jersey City	Strand

NJSC5183A	40.732294	-74.056042	321 Baldwin Ave. Jersey City, NJ	Jersey City	Strand
NJSC5184A	40.732327	-74.059281	577 Pavonia Ave. Jersey City, NJ	Jersey City	Strand
NJSC5186A	40.6970443	-74.105287	45 Country Village Rd. Jersey City, NJ	Jersey City	Strand
NJSC5192A	40.697503	-74.095554	215 Lembeck Ave. Jersey City, NJ	Jersey City	Strand
NJSC5194A	40.698729	-74.098474	197 Bartholdi Ave. Jersey City, NJ	Jersey City	Strand
NJSC5195A	40.698038	-74.104134	76 Country Village Rd. Jersey City, NJ	Jersey City	Strand
NJSC5196A	40.698803	-74.101529	2 Ferncliff Rd. Jersey City, NJ	Jersey City	Strand
NJSC5198A	40.690418	-74.097109	43 Ocean Ave. Jersey City, NJ	Jersey City	Strand
NJSC5199A	40.690468	-74.092847	106 Brown Pl. Jersey City, NJ	Jersey City	Strand
NJSC5209A	40.68886181	74.09362635	17 Seaview Ave. Jersey City, NJ	Jersey City	Strand
NJSC5210A	40.68945	-74.091976	236 Princeton Ave. Jersey City, NJ	Jersey City	Pole
NJSC5212A	40.69374964	74.08900631	46 Danforth Ave. Jersey City, NJ	Jersey City	Strand
NJSC5217A	40.718009	-74.089167	114 Mallory Ave. Jersey City, NJ	Jersey City	Strand
NJSC5218A	40.716598	-74.088296	45 Clarke Ave. Jersey City, NJ	Jersey City	Strand
NJSC5220A	40.719234	-74.090106	385 Virginia Ave. Jersey City, NJ	Jersey City	Strand
NJSC5230A	40.715588	-74.056697	510 Pacific Ave. Jersey City, NJ	Jersey City	Strand
NJSC5231A	40.717515	-74.05817	396 Woodward St. Jersey City, NJ	Jersey City	Strand
NJSC5233A	40.704734	-74.086843	135 Martin Luther King Dr. Jersey City, NJ	Jersey City	Strand
NJSC5235A	40.70693029	-74.0920027	150 Sterling Ave. Jersey City, NJ	Jersey City	Strand
NJSC5238A	40.70207122	74.08468976	105 Woodlawn Ave. Jersey City, NJ	Jersey City	Strand
NJSC5244A	40.717462	-74.086773	299 Virginia Ave. Jersey City, NJ	Jersey City	Strand
NJSC5247A	40.714875	-74.082333	179 Virginia Ave. Jersey City, NJ	Jersey City	Strand
NJSC5324A	40.745141	-74.051503	129 Hutton St. Jersey City, NJ	Jersey City	Strand
NJSC5325A	40.745688	-74.050752	21 Zabriskie St. Jersey City, NJ	Jersey City	Strand
NJSC5332A	40.721834	-74.08915	38 Morton St. Jersey City, NJ	Jersey City	Strand
NJSC5335A	40.749795	-74.049894	1027 Summit Ave. Jersey City, NJ	Jersey City	Strand
NJSC5339A	40.74802413	74.04384445	47 South St. Jersey City, NJ	Jersey City	Strand
NJSC5340A	40.749251	-74.044099	254 Sherman Ave. Jersey City, NJ	Jersey City	Strand
NJSC5344A	40.751676	-74.043574	272 Hancock Ave. Jersey City, NJ	Jersey City	Strand
NJSC5362A	40.706509	-74.08663	112 Bergen Ave. Jersey City, NJ	Jersey City	Strand
NJSC5364A	40.728578	-74.067091	153 Vroom St. Jersey City, NJ	Jersey City	Strand
NJSC5371A	40.710677	-74.08347	251 Bergen Ave. Jersey City, NJ	Jersey City	Strand
NJSC5373A	40.709812	-74.091568	381 Stegman Pkwy. Jersey City, NJ	Jersey City	Strand
NJSC5401A	40.710668	-74.088903	2 Towers St. Jersey City, NJ	Jersey City	Strand
NJSC5405A	40.723197	-74.071728	77 Fairview Ave. Jersey City, NJ	Jersey City	Strand
NJSC5407A	40.716646	-74.063272	633 Grand St. Jersey City, NJ	Jersey City	Strand
NJSC5408A	40.716602	-74.062251	619 Grand St. Jersey City, NJ	Jersey City	Strand
NJSC5412A	40.715228	-74.078116	193 Union St. Jersey City, NJ	Jersey City	Strand
NJSC5413A	40.720586	-74.087075	219 Clendenny Ave. Jersey City, NJ	Jersey City	Strand

NJSC5429B	40.74536	-74.045534	199 Webster Ave. Jersey City, NJ	Jersey City	Strand
NJSC5435A	40.744627	-74.060521	231 Liberty Ave. Jersey City, NJ	Jersey City	Strand
NJSC5436A	40.743665	-74.059166	3244 John F Kennedy Blvd. Jersey City, NJ	Jersey City	Strand
NJSC5437A	40.746259	-74.059559	243 Manhattan Ave. Jersey City, NJ	Jersey City	Strand
NJSC5438A	40.748255	-74.058184	183 Zabriskie St. Jersey City, NJ	Jersey City	Strand
NJSC5443A	40.738032	-74.048218	1 Reservoir Ave. Jersey City, NJ	Jersey City	Strand
NJSC5446A	40.729914	-74.074186	870 West Side Ave. Jersey City, NJ	Jersey City	Strand
NJSC5447A	40.732459	-74.071397	246 Sip Ave. Jersey City, NJ	Jersey City	Strand
NJSC5451A	40.70158	-74.078205	9 Wegman Pkwy. Jersey City, NJ	Jersey City	Strand
NJSC5452A	40.7019585	-74.0948301	293 Cator Ave. Jersey City, NJ	Jersey City	Strand
NJSC5478A	40.717844	-74.085636	144 Boyd Ave. Jersey City, NJ	Jersey City	Strand
NJSC5481A	40.737417	-74.066125	13 Dey St. Jersey City, NJ	Jersey City	Strand
NJSC5495A	40.721191	-74.0905	167 Williams Ave. Jersey City, NJ	Jersey City	Strand
NJSC5496A	40.751835	-74.048269	153 Congress St. Jersey City, NJ	Jersey City	Pole
NJSC5498A	40.755407	-74.051063	93 Nelson Ave. Jersey City, NJ	Jersey City	Pole
NJSC5527A	40.722768	-74.089716	397 Lexington Ave. Jersey City, NJ	Jersey City	Strand
NJSC5601A	40.73259758	74.07554964	20 Bryant Ave. Jersey City, NJ	Jersey City	Strand
NJSC5602A	40.73202331	74.07483452	30 Hawthorne Ave. Jersey City, NJ	Jersey City	Strand
NJSC5603A	40.73386683	74.07511959	68 Logan Ave. Jersey City, NJ	Jersey City	Strand
NJSC5604A	40.737551	-74.064574	48 Liberty Ave. Jersey City, NJ	Jersey City	Strand
NJSC5605A	40.73272928	74.06087403	607 Pavonia Ave. Jersey City, NJ	Jersey City	Strand
NJSC5606A	40.73281715	74.05713222	600 Newark Ave. Jersey City, NJ	Jersey City	Pole
NJSC5607A	40.720021	-74.091575	421 Virginia Ave. Jersey City, NJ	Jersey City	Strand
NJSC5608A	40.72938013	74.07118458	92 Dekalb Ave. Jersey City, NJ	Jersey City	Strand
NJSC5609A	40.734701	-74.063272	2980 John F Kennedy Blvd. Jersey City, NJ	Jersey City	Pole
NJSC5610A	40.730015	-74.067438	81 Van Reypen St. Jersey City, NJ	Jersey City	Strand
NJSC5611A	40.734168	-74.069933	112 Corbin Ave. Jersey City, NJ	Jersey City	Strand
NJSC5612A	40.73359098	74.06720739	84 Tonnele Ave. Jersey City, NJ	Jersey City	Strand
NJSC5613A	40.69849753	74.08303804	471 Garfield Ave. Jersey City, NJ	Jersey City	Strand
NJSC5614B	40.69974663	74.08301376	35 Armstrong Ave. Jersey City, NJ	Jersey City	Strand
NJSC5615A	40.69435674	74.09463193	148 Old Bergen Rd. Jersey City, NJ	Jersey City	Strand
NJSC5616A	40.6943605	74.09666289	170 Neptune Ave. Jersey City, NJ	Jersey City	Strand

NJSC5617A	40.692129	-74.094807	102 Ocean Ave. Jersey City, NJ	Jersey City	Pole
NJSC5618A	40.69913515	74.08901435	62 Rutgers Ave. Jersey City, NJ	Jersey City	Strand
NJSC5619A	40.70105751	74.09018714	28 Martin Luther King Dr. Jersey City, NJ	Jersey City	Strand
NJSC5620A	40.70064592	74.08836859	77 Wade St. Jersey City, NJ	Jersey City	Strand
NJSC5621A	40.701042	-74.087387	69 Stevens Ave. Jersey City, NJ	Jersey City	Pole
NJSC5622A	40.7360989	74.05619417	117 St Pauls Ave. Jersey City, NJ	Jersey City	Strand
NJSC5623A	40.69801716	74.09254444	2 Rose Ave. Jersey City, NJ	Jersey City	Strand
NJSC5624A	40.70058533	74.09143551	49 Long St. Jersey City, NJ	Jersey City	Strand
NJSC5625A	40.72099436	74.06900933	48 Jewett Ave. Jersey City, NJ	Jersey City	Strand
NJSC5626A	40.72300298	74.07340841	156 Jewett Ave. Jersey City, NJ	Jersey City	Strand
NJSC5627B	40.72541958	74.07360361	92 Duncan Ave. Jersey City, NJ	Jersey City	Pole
NJSC5629A	40.721846	74.07895317	155 Bentley Ave. Jersey City, NJ	Jersey City	Strand
NJSC5631A	40.72179401	74.08370727	845 Communipaw Ave. Jersey City, NJ	Jersey City	Strand
NJSC5632A	40.71937893	-74.0818807	120 Lexington Ave. Jersey City, NJ	Jersey City	Strand
NJSC5633A	40.71945396	74.08383974	148 Clendenny Ave. Jersey City, NJ	Jersey City	Strand
NJSC5634A	40.71958178	74.08576344	392 Union St. Jersey City, NJ	Jersey City	Strand
NJSC5636A	40.718436	-74.0899525	352 Ege Ave. Jersey City, NJ	Jersey City	Strand
NJSC5637A	40.71965811	74.08905764	234 Boyd Ave. Jersey City, NJ	Jersey City	Strand
NJSC5638A	40.698806	-74.092251	250 Old Bergen Rd. Jersey City, NJ	Jersey City	Strand
NJSC5639A	40.72116292	74.08618932	217 Lexington Ave. Jersey City, NJ	Jersey City	Strand
NJSC5640A	40.73781354	74.05648171	149 Beacon Ave. Jersey City, NJ	Jersey City	Strand
NJSC5641A	40.735749	74.07623106	54 Dales Ave. Jersey City, NJ	Jersey City	Strand
NJSC5642A	40.735582	-74.075312	54 Wallis Ave. Jersey City, NJ	Jersey City	Strand
NJSC5643A	40.735721	-74.074241	68 Wright Ave. Jersey City, NJ	Jersey City	Strand
NJSC5644A	40.74297357	74.05443831	846 Summit Ave. Jersey City, NJ	Jersey City	Strand
NJSC5645A	40.74238012	74.05484263	816 Summit Ave. Jersey City, NJ	Jersey City	Strand

NJSC5646A	40.74917802	74.05336601	247 Bowers St. Jersey City, NJ	Jersey City	Strand
NJSC5647A	40.74813435	74.05294222	89 Lincoln St. Jersey City, NJ	Jersey City	Strand
NJSC5648A	40.74820532	74.05099787	197 Bowers St. Jersey City, NJ	Jersey City	Strand
NJSC5649A	40.71972032	-74.0877617	91 Williams Ave. Jersey City, NJ	Jersey City	Strand
NJSC5650A	40.749713	-74.057221	181 Lincoln St. Jersey City, NJ	Jersey City	Strand
NJSC5651A	40.71731163	-74.0643613	45 Bishop St. Jersey City, NJ	Jersey City	Strand
NJSC5653A	40.71519176	74.08307381	197 Virginia Ave. Jersey City, NJ	Jersey City	Strand
NJSC5654A	40.70149832	74.07786212	621 Garfield Ave. Jersey City, NJ	Jersey City	Strand
NJSC5655A	40.70938197	74.07792239	430 Rose Ave. Jersey City, NJ	Jersey City	Strand
NJSC5656A	40.73662284	-74.0491197	227 Palisade Ave. Jersey City, NJ	Jersey City	Strand
NJSC5657A	40.74073512	74.05309053	Howie Fink Way. Jersey City, NJ	Jersey City	Strand
NJSC5658A	40.74400574	74.04440605	449 Palisade Ave. Jersey City, NJ	Jersey City	Strand
NJSC5659A	40.74590667	74.04422473	46 Bowers St. Jersey City, NJ	Jersey City	Strand
NJSC5660A	40.747481	-74.04195	562 Palisade Ave. Jersey City, NJ	Jersey City	Strand
NJSC5661A	40.7480658	74.04854535	371 Central Ave. Jersey City, NJ	Jersey City	Strand
NJSC5662A	40.74878874	74.04540981	84 South St. Jersey City, NJ	Jersey City	Strand
NJSC5663A	40.75170411	74.04579984	499 Central Ave. Jersey City, NJ	Jersey City	Strand
NJSC5666A	40.70569179	74.07956319	99 Wilkinson Ave. Jersey City, NJ	Jersey City	Strand
NJSC5668A	40.70927475	-74.081246	299 Martin Luther King Dr. Jersey City, NJ	Jersey City	Strand
NJSC5670A	40.7172945	-74.0673475	62 Summit Ave. Jersey City, NJ	Jersey City	strand
NJSC5672A	40.75552742	74.05306734	554 Liberty Ave. Jersey City, NJ	Jersey City	Strand
NJSC5673A	40.75590711	74.05027633	118 Nelson Ave. Jersey City, NJ	Jersey City	Strand
NJSC5674A	40.7147756	-74.0756409	11 Atlantic St. Jersey City, NJ	Jersey City	Strand
NJSC5735A	40.72244795	74.08539536	905 Communipaw Ave. Jersey City, NJ	Jersey City	Strand
NJSC5736C	40.698788	-74.090008	97 Sheffield St. Jersey City, NJ	Jersey City	Strand
NJSC5737A	40.70217151	74.08750581	156 Van Nostrand Ave. Jersey City, NJ	Jersey City	Strand
NJSC5738A	40.70866447	74.09577468	495 Armstrong Ave. Jersey City, NJ	Jersey City	Strand

NJSC5810A	40.69004816	-74.0955705	74 Gates Ave. Jersey City, NJ	Jersey City	Strand
NJSC5811A	40.69065957	74.10144975	186 Merritt St. Jersey City, NJ	Jersey City	Strand
NJSC5812A	40.690448	74.09089491	275 Princeton Ave. Jersey City, NJ	Jersey City	Strand
NJSC5813C	40.698933	-74.09675	263 Lembeck Ave. Jersey City, NJ	Jersey City	Strand
NJSC5814A	40.70428283	74.09444275	144 McAdoo Ave. Jersey City, NJ	Jersey City	Strand
NJSC5816A	40.69786747	-74.0841482	19 Eastern Pkwy. Jersey City, NJ	Jersey City	Strand
NJSC5818A	40.70391721	74.08418688	148 Dwight St. Jersey City, NJ	Jersey City	Strand
NJSC5819A	40.72364421	74.07505862	203 Jewett Ave. Jersey City, NJ	Jersey City	Strand
NJSC5825A	40.71375	-74.043021	124 Marin Blvd. Jersey City, NJ	Jersey City	strand
NJSC5826D	40.716857	-74.044307	260 Grove St. Jersey City, NJ	Jersey City	Strand
NJSC5827A	40.71924028	74.04730144	101 Mercer St. Jersey City, NJ	Jersey City	Strand
NJSC5828A	40.71940993	-74.0453956	69 Wayne St. Jersey City, NJ	Jersey City	Pole
NJSC5829A	40.7187691	74.04780063	475 Jersey Ave. Jersey City, NJ	Jersey City	Pole
NJSC5830A	40.71734452	74.04124217	Evertrust Plz. Jersey City, NJ	Jersey City	Pole
NJSC5831A	40.71957221	74.03732938	37 Morgan St. Jersey City, NJ	Jersey City	Strand
NJSC5832A	40.720693	-74.0402398	161 Bay St. Jersey City, NJ	Jersey City	Strand
NJSC5833A	40.72102753	74.04447323	160 Newark Ave. Jersey City, NJ	Jersey City	Pole
NJSC5838A	40.72525454	74.03576679	487 Washington Blvd. Jersey City, NJ	Jersey City	Pole
NJSC5839A	40.72659477	74.04910546	336 7th St. Jersey City, NJ	Jersey City	Strand
NJSC5841B	40.72530172	74.05066605	370 5th St. Jersey City, NJ	Jersey City	Strand
NJSC5842B	40.72541	-74.05167	390 5th St. Jersey City, NJ	Jersey City	Strand
NJSC5843A	40.7261617	74.05237916	394 6th St. Jersey City, NJ	Jersey City	Pole
NJSC5844A	40.72317925	74.05143538	403 2nd St. Jersey City, NJ	Jersey City	Strand
NJSC5845A	40.72673526	74.05741976	38 Waldo Ave. Jersey City, NJ	Jersey City	Strand
NJSC5846A	40.72580011	74.06101077	120 Academy St. Jersey City, NJ	Jersey City	Strand
NJSC5847A	40.73473	-74.055214	93 Fleet St. Jersey City, NJ	Jersey City	Strand
NJSC5848A	40.70525253	74.09646724	135 Terhune Ave. Jersey City, NJ	Jersey City	Strand

NJSC5849A	40.70277577	74.09550907	323 Cator Ave. Jersey City, NJ	Jersey City	Strand
NJSC5850A	40.705542	74.08077264	123 Bay View Ave. Jersey City, NJ	Jersey City	Strand
NJSC5851A	40.71008369	74.08375903	232 Bergen Ave. Jersey City, NJ	Jersey City	Strand
NJSC5852A	40.71072696	74.06230882	339 Communipaw Ave. Jersey City, NJ	Jersey City	Strand
NJSC5871A	40.73467064	74.07709526	118 Logan Ave. Jersey City, NJ	Jersey City	Strand
NJSC5872A	40.69500835	74.09322104	198 Old Bergen Rd. Jersey City, NJ	Jersey City	Strand
NJSC5873A	40.69566524	74.09467165	172 Pearsall Ave. Jersey City, NJ	Jersey City	Strand
NJSC5874A	40.69486433	74.09515596	65 Bartholdi Ave. Jersey City, NJ	Jersey City	Strand
NJSC5875A	40.70974756	74.09359856	5 Stegman Ct. Jersey City, NJ	Jersey City	Strand
NJSC5876A	40.70888961	74.09343023	581 Fulton Ave. Jersey City, NJ	Jersey City	Strand
NJSC5877C	40.708373	-74.094013	379 Woodlawn Ave. Jersey City, NJ	Jersey City	Strand
NJSC5878A	40.7070218	74.09449983	354 Van Nostrand Ave. Jersey City, NJ	Jersey City	Strand
NJSC5879A	40.70594581	74.09487137	277 Stevens Ave. Jersey City, NJ	Jersey City	strand
NJSC5880A	40.7046003	74.08660596	Jersey City, NJ	Jersey City	Pole
NJSC5881A	40.70297257	74.08750258	175 Armstrong Ave. Jersey City, NJ	Jersey City	Strand
NJSC5882A	40.71964851	74.05970865	104 Fremont St. Jersey City, NJ	Jersey City	Strand
NJSC5883A	40.71964935	74.06138151	80 Amity St. Jersey City, NJ	Jersey City	Strand
NJSC5884A	40.71607733	74.06160373	425 Johnston Ave. Jersey City, NJ	Jersey City	Strand
NJSC5885A	40.78273959	74.01556805	275 53rd St. West New York, NJ	Jersey City	Strand
NJSC5886A	40.70854275	-74.0735338	135 Randolph Ave. Jersey City, NJ	Jersey City	Strand
NJSC5887A	40.707298	-74.080456	60 Bostwick Ave. Jersey City, NJ	Jersey City	Strand
NJSC5888A	40.706355	74.07901406	16 Bostwick Ave. Jersey City, NJ	Jersey City	Strand
NJSC5889A	40.69831298	74.10439739	80 Country Village Rd. Jersey City, NJ	Jersey City	Strand
NJSC5890A	40.69836054	74.09903977	288 Winfield Ave. Jersey City, NJ	Jersey City	Strand
NJSC5891A	40.70299	-74.09461	57 Terhune Ave. Jersey City, NJ	Jersey City	Strand

NJSC5892A	40.69992343	74.08857808	66 Warner Ave. Jersey City, NJ	Jersey City	Strand
NJSC5893A	40.69927493	74.08141511	511 Garfield Ave. Jersey City, NJ	Jersey City	Strand
NJSC5894A	40.70055189	74.07751346	17 Wegman Ct. Jersey City, NJ	Jersey City	Strand
NJSC5895A	40.713652	-74.04304	116 Marin Blvd. Jersey City, NJ	Jersey City	Strand
NJSC5896A	40.71609156	74.05741887	463 Pacific Ave. Jersey City, NJ	Jersey City	Pole
NJSC5897A	40.71260526	74.03346931	2 Essex St. Jersey City, NJ	Jersey City	Pole
NJSC5898A	40.72631131	-74.0582169	17 Trenton St. Jersey City, NJ	Jersey City	Strand
NJSC5966A	40.713431	-74.034917	8 Morris St. Jersey City, NJ	Jersey City	Pole
NJSC5977A	40.72823228	74.04343232	165 Erie St. Jersey City, NJ	Jersey City	strand
NJSC5978A	40.72810819	74.04202311	513 Manila Ave. Jersey City, NJ	Jersey City	strand
NJSC5979A	40.72389308	74.04276882	415 Manila Ave. Jersey City, NJ	Jersey City	strand
NJSC5980A	40.72316	-74.042693	401 Manila Ave. Jersey City, NJ	Jersey City	strand
NJSC5981A	40.73462409	74.06425846	119 Cottage St. Jersey City, NJ	Jersey City	strand
NJSC5982B	40.73623605	74.06405558	1 Skillman Ave. Jersey City, NJ	Jersey City	strand
NJSC5993A	40.72508281	-74.0795425	191 Kensington Ave. Jersey City, NJ	Jersey City	strand
NJSC5994A	40.70844047	74.07956382	123 Claremont Ave. Jersey City, NJ	Jersey City	strand

Formatted: Centered

City Clerk File No. Ord. 19-029

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-029

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III(PARKING, STANDING AND STOPPING) AMENDING SECTION 332-27(ANGLE PARKING) OF THE JERSEY CITY CODE DESIGNATING 45-DEGREE REVERSE-IN ANGLE PARKING ON THE SOUTH SIDE OF MERCER STREET, GROVE STREET TO MARIN BOULEVARD

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332(Vehicles and Traffic) Article III (Parking, Standing and Stopping) of the Jersey City Code is hereby supplemented as follows:

Section 332-27

ANGLE PARKING

No person shall park a vehicle upon any of the streets or parts thereof listed below except at the angle designated.

Name of Street	Side	Angle (degrees)	Limits
<u>Mercer Street</u>	<u>South</u>	<u>45- Degree Reverse - In Parking only</u>	<u>Grove St to Marin Blvd</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material to be inserted in new and underscored.

AV:pc1
(03.28.19)

APPROVED: _____

Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED: _____

Municipal Engineer

APPROVED: _____

Business Administrator

Corporation Counsel

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III(PARKING, STANDING AND STOPPING) AMENDING SECTION 332-27(ANGLE PARKING) OF THE JERSEY CITY CODE DESIGNATING 45 DEGREE REVERSE-IN ANGLE PARKING, ON THE SOUTH SIDE OF MERCER STREET, GROVE STREET TO MARIN BOULEVARD

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, PE at the request of Brian Platt, Business Administrator	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

Designating 45-degree angle parking on the south side of Mercer Street between Grove Street and Marin Boulevard will increase parking availability at City Hall by eight (8) from 29 parking spaces to 37 parking spaces.

Restricting the angle parking to Reverse-In parking will be beneficial for EV charging stations, scheduled to be installed in the near future. Reverse-in angled parking is also beneficial for safety as it creates better sight lines than traditional, head-in angled parking.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

3/28/19

Date

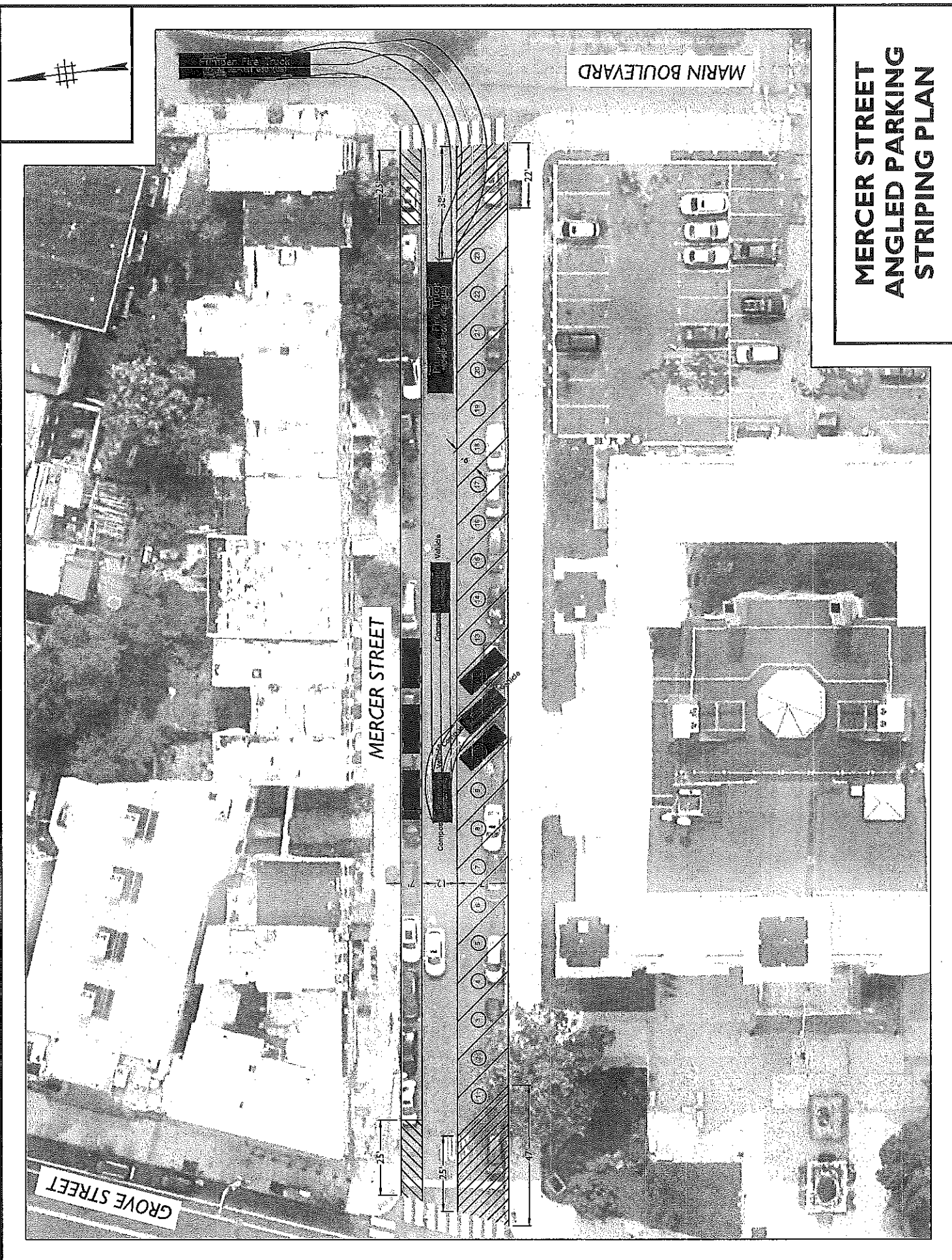


Signature of Department Director

4/2/19

Date

MERCER STREET ANGLED PARKING STRIPING PLAN



City Clerk File No. Ord. 19-030

Agenda No. 3.E 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-030

TITLE:
ORDINANCE AMENDING CHAPTER 19 (PAYMENT OF CLAIMS) OF THE JERSEY CITY MUNICIPAL CODE AUTHORIZING THE USE OF PROCUREMENT CARDS

THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City's (City) appointed Qualified Purchasing Agent has recommended that procurement cards be utilized where appropriate for the purchase of goods and services for the City; and

WHEREAS, the use of procurement cards can be a highly beneficial tool for local governments looking to further utilize e-Procurement and strengthen their purchasing controls; and

WHEREAS, the rules adopted by the Local Finance Board governing the use of procurement cards are set forth in N.J.A.C. 5:30-9A; and

WHEREAS, N.J.S.A. 40A:5-16(c) establishes the specific circumstances when procurement cards can be used; and

WHEREAS, the Municipal Council (Council) finds that a procurement card program would be beneficial to the City and wishes to authorize their use and establish policy and procedures for their use as required by law.

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

A. The following amendments to CHAPTER 19 (PAYMENT OF CLAIMS), are hereby adopted:

Chapter 19 – PAYMENT OF CLAIMS

§ 19-1 – Method of payment; procedure

A. Claims shall be paid in accordance with N.J.S.A. 40A:5-16.

B. Payments of claims may be made by use of Procurement Cards, by authorized individuals and subject to guidelines and procedures established in accordance with N.J.S.A. 40A:5-17 and N.J.A.C. 5:30-9A¹, as may be amended.

§ 19-2. - Authorized signatures; city checks.

A. Checks issued by the city in payment of any claims, including claims for salaries, wages or other compensation for services, shall bear the signature of the Mayor or the Business Administrator and the Chief Financial Officer or of some officer or officers designated by them to act in their behalf for this purpose, signed mechanically or by hand. Such designation shall be in writing and filed in the office of the City Clerk.

B. All checks drawn against the bond account of the City of Jersey City or the interest account of the City of Jersey City for the transfer of city funds between designated banks or

¹ N.J.A.C. 50:30-9A sets forth standards the City must follow when using procurement cards for the payment of claims. N.J.A.C. 50:30-9A establishes minimum fiscal and operational controls that must be implemented prior to the use of procurement cards.

depositories shall bear the signatures of both the Mayor and the City Treasurer. In the absence or incapacity of either the Mayor or City Treasurer, or both, such checks may be signed by persons designated by either official and may be signed either mechanically or by hand. Such designation shall be in writing and filed in the office of the City Clerk.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner provided by law.
- E. The City Clerk and the Corporation Counsel are hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repeals of existing provisions.

NOTE: All new material to be inserted is underscored and material to be repealed is in [brackets].

AF/mma
3/26/2019

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance/Resolution

**ORDINANCE AMENDING CHAPTER 19 (PAYMENT OF CLAIMS) OF THE
JERSEY CITY MUNICIPAL CODE AUTHORIZING THE USE OF PROCUREMENT
CARDS**

Initiator

Department/Division	Administration	
Name/Title	Elizabeth Castillo	Chief Financial Officer
Phone/email	201-547-5036	CastilloE@jcnj.org


Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The purpose of this ordinance is to authorize the use of procurement cards where appropriate for the purchase of goods and services for the City. The use of procurement cards is subject to the procedures and guidelines set forth in N.J.A.C. 5:30-9A, which will be incorporated into the City's Purchasing Manual.

I certify that all the facts presented herein are accurate.


Signature of Department Director


Date

City Clerk File No. Ord. 19-031

Agenda No. 3.F 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-031

**TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC)
ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22
(PARKING PROHIBITED AT ALL TIMES) OF THE JERSEY CITY CODE DESIGNATING
THE SOUTH SIDE OF SUSSEX STREET FROM VAN VORST STREET TO THE
WESTERN TERMINUS AS NO PARKING ANY TIME**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article III (No Parking Any Time) of the Jersey City Code is hereby supplemented as follows:

Section 332-22 Parking prohibited at all times
 No person shall park a vehicle on any of the streets or parts thereof described.

Name of Street	Side	Limits
Sussex St	North	St. Peter's to Grove St
	South	<u>Van Vorst St to the western terminus</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

4. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: New material to be inserted is underscored.

AV:pcl
(03.19.19)

APPROVED: [Signature]
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED: [Signature]

Municipal Engineer

APPROVED: [Signature]

Business Administrator

Corporation Counsel

Certification Required ☐

Not Required ☐

170 Sussex St

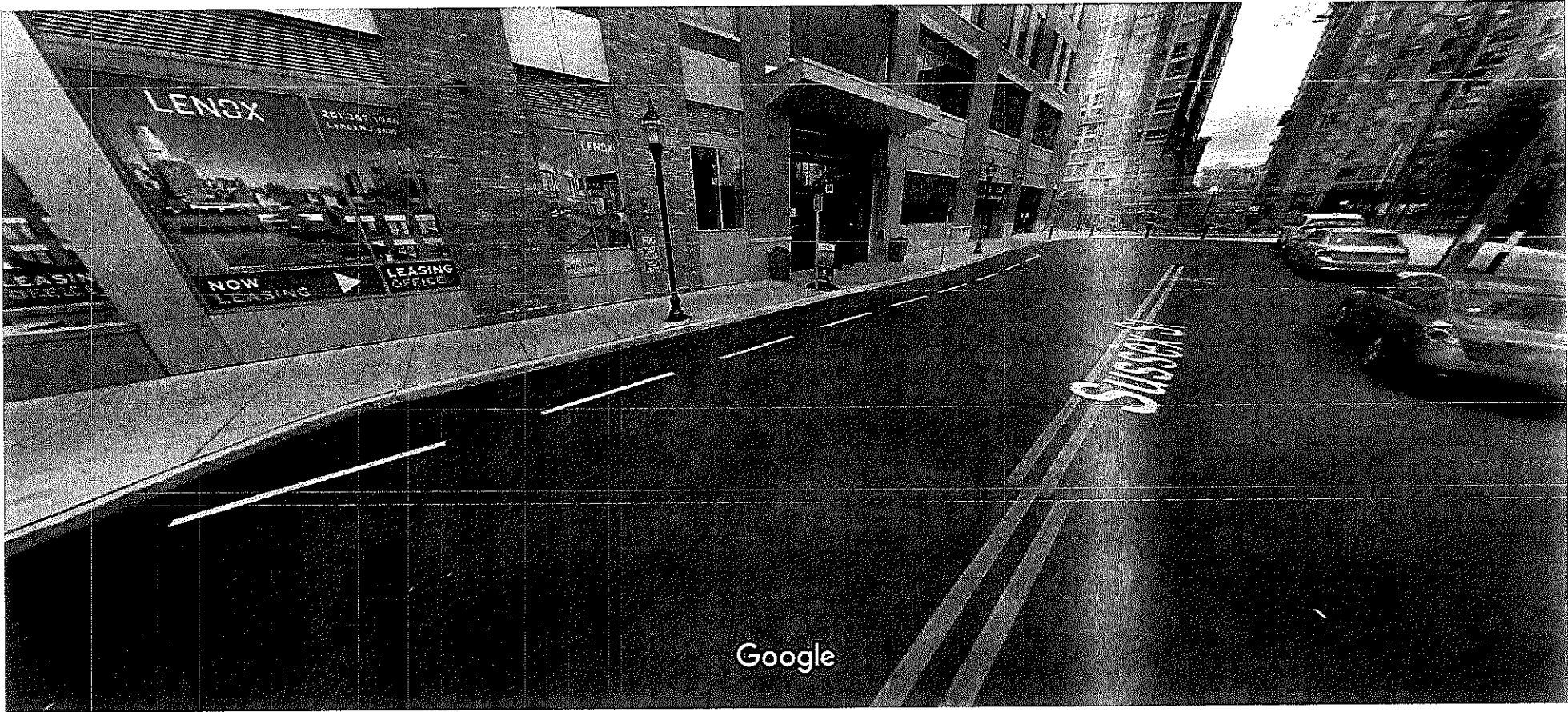
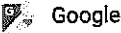


Image capture: Jul 2018 © 2019 Google

Jersey City, New Jersey



Street View - Jul 2018

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22 (PARKING PROHIBITED AT ALL TIMES) OF THE JERSEY CITY CODE DESIGNATING THE SOUTH SIDE OF SUSSEX STREET FROM VAN VORST STREET TO THE WESTERN TERMINUS AS NO PARKING ANY TIME

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

The south side of Sussex Street, Van Vorst Street to the western terminus has been designated at “no parking any time” to allow for better maneuverability of the dead end due to the proximity of the Lenox garage driveway.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

Signature of Department Director

3/21/19

Date

4/2/19

Date

City Clerk File No. Ord. 19-032

Agenda No. 3.6 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-032

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING HUTTON STREET AND CAMBRIDGE AVENUE AS A MULTI-WAY STOP INTERSECTION

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) of the Jersey City Code is hereby supplemented as follows:

Section 332-9

SCHEDULE STOP INTERSECTION

The intersections listed below are hereby designated as a stop intersection. Stop signs shall be installed as provided therein.

Street 1 (Stop Sign On)	Direction of Travel	Street 2 (At Intersection)
<u>Hutton St</u> Cambridge Av	<u>East and West</u> North	<u>Cambridge Av - Multi</u> Hutton St - <u>Multi</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

4. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscored.

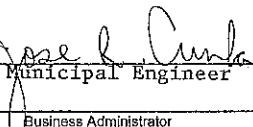
AV:pcl
(03.20.19)

APPROVED: 
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 
Municipal Engineer

APPROVED: 
Business Administrator

Certification Required ☐

Not Required ☐

Hutton St & Cambridge Ave



ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING HUTTON STREET AND CAMBRIDGE AVENUE AS A MULTI-WAY STOP INTERSECTION

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E. at the request of Councilman Michael Yun, Ward D	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

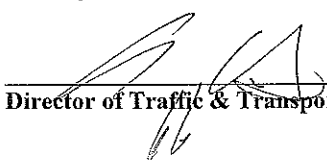
The purpose of this Ordinance is to designate the following intersection as an all way stop control:

Hutton Street and Cambridge Avenue

Designating this intersection as an all-way stop control will improve traffic safety and operational characteristics at the intersection based on a detailed review of traffic conditions and guidance outlined within the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration (FHWA).

Crash records collected for this intersection indicate it meets the FHWA crash threshold to warrant all way stop control.

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

Signature of Department Director

3/21/19

Date

4/2/19

Date

City Clerk File No. Ord. 19-033

Agenda No. 3.H 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-033

TITLE: **AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING BRIGHT STREET AND VARICK STREET AS A MULTI-WAY STOP INTERSECTION**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations) of the Jersey City Code is hereby supplemented as follows:

Section 332-9

SCHEDULE STOP INTERSECTION

The intersections listed below are hereby designated as a stop intersection. Stop signs shall be installed as provided therein.

Street 1 (Stop Sign On)	Direction of Travel	Street 2 (At Intersection)
<u>Bright St</u> Varick St	<u>East and West</u> South	<u>Varick St - Multi</u> Bright St - <u>Multi</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

4. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscored.

AV:pcj
(03.14.19)

APPROVED: [Signature]
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: [Signature]
Municipal Engineer

APPROVED: [Signature]
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE II (TRAFFIC REGULATIONS) SECTION 332-9 (STOP INTERSECTIONS) OF THE JERSEY CITY CODE DESIGNATING BRIGHT STREET AND VARICK STREET AS A MULTI-WAY STOP INTERSECTION

Initiator

Department/Division	Administration	Engineering, Traffic and Transportation
Name/Title	Andrew Vischio, P.E.	Director of Traffic & Transportation
Phone/email	201.547.4419	AVischio@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

The purpose of this Ordinance is to designate the following intersection as an all way stop control:

Bright Street and Varick Street

Designating the intersection of Bright Street and Varick Street as an all-way stop control will improve traffic safety and operation characteristics at the intersection as outlined in New Jersey State Statute & Amendments 39:4-197(j.) as this intersection falls within 500 feet of two schools, Frank R. Conwell School and Frank R. Conwell Middle School

I certify that all the facts presented herein are accurate.



Director of Traffic & Transportation

3/14/19

Date

Signature of Department Director

4/2/19

Date

City Clerk File No. Ord. 19-034
Agenda No. 3. I 1st Reading
Agenda No. _____ 2nd Reading & Final Passage

ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-034

TITLE:

ORDINANCE AMENDING CHAPTER 90 (ANIMALS), ARTICLE I (ANIMALS AND ANIMAL FACILITIES GENERALLY) § 90-3 OF THE JERSEY CITY MUNICIPAL CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, in keeping with our mission to protect the safety and welfare of animals in our city, the City of Jersey reviewed its current ordinance on animal cruelty matters; and

WHEREAS, it was determined that the current law is outdated and preempted by State Law; and

WHEREAS, our current State laws on animal cruelty, recognizes animal abuse as a part of a cycle of violence that calls for stronger penalties against abusers; and

WHEREAS, in repealing our ordinance we allow greater protections for animals in cruelty cases; and

WHEREAS, the change is consistent with recent enhancements of animal abuse prosecutions that have been enacted at the State level.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

A. The following amendments to Chapter 90 (Animals), Article I (Animals and Animal Facilities Generally), § 90-3 are hereby adopted:

~~§ 90-3. --Cruelty to animals.~~

~~No person shall treat or harbor any animal or pet in an inhumane manner which may subject such animal or pet to disease or injury.~~

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repeal of existing provisions.

NOTE: All new material is underlined; words in ~~[brackets]~~ are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

SS/mma
3/25/2019

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐

ORDINANCE FACT SHEET –

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

Full Title of Ordinance

ORDINANCE AMENDING CHAPTER 90 (ANIMALS), ARTICLE I (ANIMALS AND ANIMAL FACILITIES GENERALLY) § 90-3 OF THE JERSEY CITY MUNICIPAL CODE

Initiator

Department/Division	Law	Municipal Court
Name/Title	Peter Baker	Corporation Council
Phone/email	201- 547-4667	<u>PBaker@jcnj.org</u>

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

In keeping with our mission to protect the safety and welfare of animals in our city, the City of Jersey City reviewed its current ordinance on animal cruelty matters and it was determined that the current law is outdated and preempted. In repealing our ordinance we allow greater protections for animals in cruelty cases.

I certify that all the facts presented herein are accurate.

Signature of Department Director

Date

City Clerk File No. Ord. 19-035

Agenda No. 3.J 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-035

TITLE: **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 245 (PEDDLING, SOLICITING AND CANVASSING) ARTICLE I (LICENSING OF PEDDLERS) AND ARTICLE III (EXEMPTIONS) EXEMPTING CHARITABLE ORGANIZATION FROM LICENSING REQUIREMENTS FOR THE SALE OF PRE-PACKAGED GOODS**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN THAT:

A. Chapter 245 of the Jersey City Municipal Code (Peddling, Soliciting and Canvassing) shall be amended as follows:

CHAPTER 245 PEDDLING, SOLICITING AND CANVASSING

ARTICLE I LICENSING OF PEDDLERS

§ 245-2. - License required; fees.

- A. Every peddler shall obtain a peddler's license from the license issuing authority prior to engaging in business as a peddler. The peddler's license fee shall be as provided in Chapter 160, Fees and Charges, not prorated, accounting from April 1, or a daily charge as provided in Chapter 160, Fees and Charges.
- B. The requirement of a peddler's license shall be subject to the following exemptions:
 - (1) Persons residing in the city who have a state trader's license.
 - (2) The sale of farm, dairy or garden produce raised by the vendor in the state.
 - (3) Seafood caught by the vendor in the state.
 - (4) ~~[Articles of the vendor's own manufacture manufactured in the state.]~~ The sale of goods and pre-packaged food for charitable or religious purposes by any non-profit organization created in accordance with Section 501(c) (3) of the Internal Revenue Code.

ARTICLE III CANVASSERS AND SOLICITORS

§ 245-13. - ~~[Exempt persons]~~ Exemptions

The following activities shall be exempt from this Article:

- (1) Delivery of goods, wares or merchandise in the regular course of business to the premises of persons ordering or entitled to receive same.

(2) ~~[Solicitations on behalf of members of any charitable organizations, religious purpose]~~ Solicitations for the sale of goods or pre-packaged food for immediate or future delivery on behalf of any non-profit organization created under Section 501 (c) (3) of the Internal Revenue Code or on behalf of a political candidate or activity.

- B. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- C. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This Ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

Note: All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

TF/mma
04/01/19

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET –

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Full Title of Ordinance/Resolution

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 245 (PEDDLING, SOLICITING AND CANVASSING) ARTICLE I (LICENSING OF PEDDLERS) AND ARTICLE III (EXEMPTIONS) EXEMPTING CHARITABLE ORGANIZATION FROM LICENSING REQUIREMENTS FOR THE SALE OF PRE-PACKAGED GOODS

Initiator

Department/Division	Council Member	
Name/Title	James Solomon	Ward E Councilperson
Phone/email	201-547-5315	jsolomon@icnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This purpose of this Ordinance is to amend and supplement chapter 245 (Peddling, Soliciting and Canvassing) Article (Licensing of Peddlers) and Article III (Exemptions) exempting Charitable Organization from licensing requirement for the sale of pre-packaged goods.

I certify that all the facts presented herein are accurate.

Signature of Department Director

April 1, 2019

Date

City Clerk File No. Ord. 19-036

Agenda No. 3.K 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 19-036

TITLE:

**AN ORDINANCE AMENDING CHAPTER 307, (TAXICABS AND LIMOUSINES)
ARTICLE II, OF THE JERSEY CITY MUNICIPAL CODE TO REQUIRE
RIDESHARE VEHICLES TO BE EQUIPPED WITH IDENTIFYING SIGNAGE**

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, on March 22, 2019, 21-year-old New Jersey native Samantha Josephson was killed after she mistakenly climbed into a car she believed was her Uber ride and the driver of the vehicle murdered her; and

WHEREAS, there are currently no regulations or laws in New Jersey governing or requiring rideshare vehicles to have identifying signage; and

WHEREAS, it is in the City's best interests that the Municipal Council mandate that all rideshare vehicles operating within the City have illuminated signs identifying the vehicle as a rideshare vehicle while the driver is on duty to alert potential riders and to prevent the tragedy which befell Ms. Josephson.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that Chapter 307, (Taxicabs and Limousines) Article II be amended as follows:

CHAPTER 307 TAXICABS, AND LIMOUSINES & TRANSPORTATION NETWORK COMPANY VEHICLES

ARTICLE I Taxicabs

§ 307-1. *through* § 307-36.1

NO CHANGE.

ARTICLE II Limousines & Transportation Network Company vehicles

§ 307-37. - Definitions.

The following words and phrases when used in this chapter have the meanings as set forth herein:

CITY - The City of Jersey City.

CRUISING - The driving of limousine vehicles on the streets, alleyways or other public places of the City in search or solicitation of prospective passengers.

DIRECTOR - The Director of the Division of Commerce in the City of Jersey City's Department of Housing, Economic Development and Commerce.

DIVISION - The Division of Commerce of the City of Jersey City's Department of Housing, Economic Development and Commerce.

HEARING - A public hearing at which the licensee shall be given an opportunity to appear personally and be represented by his/her chosen counsel and be heard and to present evidence on his/her behalf or otherwise answer the charges against him/her.

HEARING OFFICER - Shall be the Business Administrator or his/her designee.

HOLDER - A person or entity to whom a limousine license has been issued.

LICENSE INSPECTOR - An inspector acting on behalf of the Division.

LICENSING YEAR - April 1 of any given year through March 31 of the following year.

LIMOUSINE OPERATOR - Any person holding a valid current New Jersey or New York driver's license with a passenger endorsement or possessing any other such license or class of license as required by the State of New Jersey Motor Vehicle Commission for a limousine driver/operator.

LIMOUSINE VEHICLE (or LIMOUSINE) - Any automobile or motor car, issued special registration plates bearing the word "limousine" pursuant to Section 12 of P.L. 1979, c.224 (C.39:3-19.5), which is engaged in the business of carrying passengers on a pre-arranged charter basis, which is not conducted on a regular route or at a regular time, with a seating capacity of no more than fourteen (14) passengers, not including the driver, provided that such a vehicle is certified by the manufacturer of the original vehicle (and the second-stage manufacturer, if applicable) to conform to Federal Motor Vehicle Safety Standards promulgated by the United States Department of Transportation pursuant to 49 CFR 567.1 et seq. and 49 CFR 567.1 et seq. In addition, a "Vehicle Emission Control Information" label, which contains the name and trademark of the manufacturer and an unconditional statement of compliance with the emission requirements of the Environmental Protection Agency, shall be present on the vehicle. Nothing herein shall be construed to include taxicabs, hotel buses, buses employed solely in transporting school children or teachers, or vehicles operated by businesses engaged in the practice of mortuary science when those vehicles are used exclusively for providing transportation related to the provision of funeral services.

MVC - The New Jersey Motor Vehicle Commission.

TRANSPORTATION NETWORK COMPANY or RIDESHARE COMPANY or COMPANY means a corporation, partnership, sole proprietorship, or other entity that is registered as a business in the State or operates in this State, and uses a digital network to connect a transportation network company rider to a transportation network company driver to provide a prearranged ride. A Transportation Network Company shall not include an individual, corporation, partnership, sole proprietorship, or other entity arranging non-emergency medical transportation for individuals qualifying for Medicaid under P.L.1968, c.413 (C.30:4D-1 et seq.) or Medicare under 42 U.S.C. § 1395 et seq. pursuant to a contract with the State or a managed care organization, whereby Medicaid or Medicare funding is used to pay for the non-emergency medical transportation services.

TRADE DRESS BEACON or BEACON means the illuminated signage featuring the proprietary trademark or logo that identifies the Transportation Network Company and which can be installed on a vehicle's dashboard or attached to its windshield.

TRANSFER - To sell, transfer or in any other manner dispose of, a limousine license. Where the license is in the name of a corporation or other legal entity, any change in ownership or control of the corporate entity holding the license shall constitute a "transfer" of the license held in the name of said corporation or other legal entity. The Division shall determine what constitutes a change in control.

§ 307-38. through § 307-40.

NO CHANGE.

§ 307-41. - Transportation Network Company vehicles; display of Trade Dress Beacon mandatory.

- A. Every Transportation Network Company with drivers operating out of the City must provide those drivers with a consistent and distinctive Trade Dress Beacon for use in the vehicles operated by those drivers when they are active on the Company's digital platform or when providing Transportation Network Company service within the borders of the City. The Trade Dress Beacon used by the Transportation Network Company must be approved by the Division of Commerce before its use.

All Trade Dress Beacons must be:

- (1) readable during daylight hours at a distance of fifty (50) feet;
- (2) no larger than eight (8) inches wide by eight (8) inches tall; and
- (3) illuminated in such a way that it is patently visible so as to be seen in darkness; and

Additionally, every Transportation Network Company shall forward to the Division of Commerce, the name, contact information, license plate number(s) and physical address of each driver operating out of the City who has been issued a Trade Dress Beacon.

- B. Every Transportation Network Company vehicle driver, both those operating out of the City, and those operating within the City, must affix an approved Trade Dress Beacon to the vehicle's dashboard or windshield at all times when the Transportation Network Company driver is active on the Transportation Network Company digital platform or providing Transportation Network Company service within the borders of the City. The Beacon shall, at all times, be illuminated.
- C. Every Transportation Network Company shall immediately notify the Division of Commerce when a driver, operating out of the City, ceases to be employed by or work for the Company. All Trade Dress Beacons must be surrendered to the Transportation Network Company immediately after separation from Company. Should the Company not receive back the Beacon furnished to a particular driver, it shall report in writing to the Division of Commerce, the driver's name, license plate number(s) and last known physical address. If a driver cannot return the Beacon at the end of his or her employment with a Transportation Network Company, the driver must provide to the Division of Commerce a signed and witnessed affidavit explaining why the Beacon could not be returned.

§ 307-41.2. - Enforceability.

The provisions of this article may be enforced by State and local Police and by officers and agents of the Division of Commerce. **§ 307-42.3. - Violation and penalties.**

Except as set forth in N.J.S.A. 48:16-22.a, providing a penalty of five hundred dollars (\$500.00) against an owner of a limousine service who hires an unqualified driver, and any other penalty which may be adopted by N.J.S.A. 48:16-13-22.7, or by N.J.S.A. 39:5H-1 et seq., any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided for in Chapter 1, General Provisions, § 1-25.

§ 307-4344. - Severability.

The provisions of this article are declared to be severable and if any section, subsection, sentence, clause or phrase thereof, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this article, but shall remain in effect; it being the legislative intent that this article shall stand notwithstanding the invalidity of any part.

- I. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- II. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
- III. This Ordinance shall take effect twenty (20) days after enactment.
- IV. The City Clerk and the Corporation Counsel be and hereby are authorized and directed to change any chapter numbers, article numbers and section numbers in the event the codification of this Ordinance reveals that there is conflict between those numbers and the existing code.

NOTE: All new material is underlined; words ~~struck through~~ are omitted. For purposes of advertising only, new matter is **boldface** and repealed by *italics*.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

ORDINANCE FACT SHEET

This summary sheet is to be attached to the front of any Ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the Ordinance.

Full Title of Ordinance

AN ORDINANCE AMENDING CHAPTER 307, (TAXICABS AND LIMOUSINES) ARTICLE II, OF THE JERSEY CITY MUNICIPAL CODE TO REQUIRE RIDESHARE VEHICLES TO BE EQUIPPED WITH IDENTIFYING SIGNAGE

Initiator

Department/Division	Department of Business Administration	Office of the Business Administrator
Name/Title	Brian D. Platt	Business Administrator
Phone/email	201-547-4513	bplatt@jcnj.org

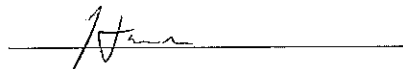
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

This Ordinance mandates that all Rideshare Vehicles operating within Jersey City must have illuminated signage identifying the vehicles as Rideshare Vehicles when operating within the borders of the City.

This Ordinance also sets forth uniform standards for such signage and requires Rideshare companies to provide the City with a list of individuals operating out of the City who are providing their service.

I certify that all the facts presented herein are accurate.



Brian D. Platt
Business Administrator

April 4, 2019

Date